

Volume 32, Number 11  
Pages 835-958  
June 1, 2007

SALUS POPULI SUPREMA LEX ESTO

*"The welfare of the people shall be the supreme law."*



ROBIN CARNAHAN  
SECRETARY OF STATE

MISSOURI  
REGISTER

The *Missouri Register* is an official publication of the state of Missouri, under the authority granted to the secretary of state by sections 536.015, RSMo Supp. 2006 and 536.033, RSMo 2000. Reproduction of rules is allowed; however, no reproduction shall bear the name *Missouri Register* or "official" without the express permission of the secretary of state.

The *Missouri Register* is published semi-monthly by

**SECRETARY OF STATE**

**ROBIN CARNAHAN**

Administrative Rules Division

James C. Kirkpatrick State Information Center

600 W. Main

Jefferson City, MO 65101

(573) 751-4015

**DIRECTOR**

WAYLENE W. HILES

.

**EDITORS**

BARBARA McDOUGAL

.

JAMES McCLURE

**ASSOCIATE EDITORS**

CURTIS W. TREAT

SALLY L. REID

.

**PUBLISHING STAFF**

WILBUR HIGHBARGER

JACQUELINE D. WHITE

ISSN 0149-2942, USPS 320-630; periodical postage paid at Jefferson City, MO  
Subscription fee: \$56.00 per year

POSTMASTER: Send change of address notices and undelivered copies to:

**MISSOURI REGISTER**

Office of the Secretary of State

Administrative Rules Division

PO Box 1767

Jefferson City, MO 65102

The *Missouri Register* and *Code of State Regulations* (CSR) are now available on the Internet. The Register address is <http://www.sos.mo.gov/adrules/moreg/moreg.asp> and the CSR is <http://www.sos.mo.gov/adrules/csr/csr.asp>. These websites contain rulemakings and regulations as they appear in the Registers and CSR. These websites do not contain the official copies of the Registers and CSR. The official copies remain the paper copies published by the Office of the Secretary of State pursuant to sections 536.015 and 536.031, RSMo Supp. 2006. While every attempt has been made to ensure accuracy and reliability, the Registers and CSR are presented, to the greatest extent practicable as they appear in the official publications. The Administrative Rules Division may be contacted by e-mail at [rules@sos.mo.gov](mailto:rules@sos.mo.gov).

The secretary of state's office makes every effort to provide program accessibility to all citizens without regard to disability. If you desire this publication in alternate form because of a disability, please contact the Division of Administrative Rules, PO Box 1767, Jefferson City, MO 65102, (573) 751-4015. Hearing impaired citizens should contact the director through Missouri relay, (800) 735-2966.



June 1, 2007

Vol. 32 No. 11 Pages 835-958

## IN THIS ISSUE:

### EXECUTIVE ORDERS . . . . .839

### PROPOSED RULES

<b>Department of Public Safety</b>	
Division of Fire Safety . . . . .	.841
<b>Department of Insurance, Financial Institutions and Professional Registration</b>	
State Board of Nursing . . . . .	.843

### ORDERS OF RULEMAKING

<b>Department of Conservation</b>	
Conservation Commission . . . . .	.911
<b>Department of Higher Education</b>	
Commissioner of Higher Education . . . . .	.911
<b>Department of Natural Resources</b>	
Air Conservation Commission . . . . .	.912
Petroleum Storage Tank Insurance Fund Board of Trustees . . . . .	.925
<b>Department of Social Services</b>	
Division of Medical Services . . . . .	.926
<b>Department of Insurance, Financial Institutions and Professional Registration</b>	
Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects . . . . .	.926
Real Estate Appraisers . . . . .	.927

### IN ADDITIONS

<b>Department of Transportation</b>	
Missouri Highways and Transportation Commission . . . . .	.934

### DISSOLUTIONS . . . . .936

### SOURCE GUIDES

<b>RULE CHANGES SINCE UPDATE</b> . . . . .	.940
<b>EMERGENCY RULES IN EFFECT</b> . . . . .	.946
<b>EXECUTIVE ORDERS</b> . . . . .	.947
<b>REGISTER INDEX</b> . . . . .	.950

Register Filing Deadlines	Register Publication Date	Code Publication Date	Code Effective Date
May 1, 2007	June 1, 2007	June 30, 2007	July 30, 2007
May 15, 2007	June 15, 2007	June 30, 2007	July 30, 2007
June 1, 2007	July 2, 2007	July 31, 2007	August 30, 2007
June 15, 2007	July 16, 2007	July 31, 2007	August 30, 2007
July 2, 2007	August 1, 2007	August 31, 2007	September 30, 2007
July 16, 2007	August 15, 2007	August 31, 2007	September 30, 2007
August 1, 2007	September 4, 2007	September 30, 2007	October 30, 2007
August 15, 2007	September 17, 2007	September 30, 2007	October 30, 2007
September 4, 2007	October 1, 2007	October 31, 2007	November 30, 2007
September 17, 2007	October 15, 2007	October 31, 2007	November 30, 2007
October 1, 2007	November 1, 2007	November 30, 2007	December 30, 2007
October 15, 2007	November 15, 2007	November 30, 2007	December 30, 2007
November 1, 2007	December 3, 2007	December 31, 2007	January 30, 2008
November 15, 2007	December 17, 2007	December 31, 2007	January 30, 2008
December 3, 2007	January 2, 2008	January 30, 2008	February 29, 2008
December 17, 2007	January 16, 2008	January 30, 2008	February 29, 2008
January 2, 2008	February 1, 2008	February 29, 2008	March 30, 2008
January 16, 2008	February 15, 2008	February 29, 2008	March 30, 2008
February 1, 2008	March 3, 2008	March 31, 2008	April 30, 2008
February 15, 2008	March 17, 2008	March 31, 2008	April 30, 2008
March 3, 2008	April 1, 2008	April 30, 2008	May 30, 2008
March 17, 2008	April 15, 2008	April 30, 2008	May 30, 2008
April 1, 2008	May 1, 2008	May 31, 2008	June 30, 2008
April 15, 2008	May 15, 2008	May 31, 2008	June 30, 2008

Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at <http://www.sos.mo.gov/adrules/pubsched.asp>

# Missouri Participating Libraries

The *Missouri Register* and the *Code of State Regulations*, as required by the Missouri Documents Law (section 181.100, RSMo Supp. 2006), are available in the listed participating libraries, as selected by the Missouri State Library:

Jefferson County Library PO Box 1486, 3021 High Ridge High Ridge, MO 63049-1486 (314) 677-8689	Learning Resources Center Mineral Area College PO Box 1000 Park Hills, MO 63601-1000 (573) 431-4593	Missouri Western State College Hearnes Learning Resources Ctr. 4525 Downs Drive St. Joseph, MO 64507-2294 (816) 271-5802	Library University of Missouri-Rolla 1870 Miner Circle Rolla, MO 65409-0060 (573) 341-4007
Jefferson College Library 1000 Viking Drive Hillsboro, MO 63050-2441 (314) 789-3951 ext. 160	Cape Girardeau Public Library 711 N. Clark Cape Girardeau, MO 63701-4400 (573) 334-5279	Library North Central Missouri College PO Box 111, 1301 Main Street Trenton, MO 64683-0107 (660) 359-3948 ext. 325	Lebanon-Laclede County Library 135 Harwood Ave. Lebanon, MO 65536-3017 (417) 532-2148
St. Louis Public Library 1301 Olive St. St. Louis, MO 63103-2389 (314) 539-0376	Kent Library Southeast Missouri State University One University Plaza Cape Girardeau, MO 63701-4799 (573) 651-2757	Missouri Southern State University Spiva Library 3950 East Newman Road Joplin, MO 64801-1595 (417) 625-9342	University Library Southwest Baptist University 1600 University Ave. Bolivar, MO 65613-2597 (417) 328-1631
St. Louis University Law Library 3700 Lindell Blvd. St. Louis, MO 63108-3478 (314) 977-2742	Riverside Regional Library PO Box 389, 204 South Union St. Jackson, MO 63755-0389 (573) 243-8141	Missouri State Library 600 West Main, PO Box 387 Jefferson City, MO 65102-0387 (573) 751-3615	Barry-Lawrence Regional Library 213 6th St. Monett, MO 65708-2147 (417) 235-6646
Eden Theological Seminary/ Webster University Eden/Webster Library 475 East Lockwood Ave. St. Louis, MO 63119-3192 (314) 961-2660 ext. 7812	Rutland Library Three Rivers Community College 2080 Three Rivers Blvd. Poplar Bluff, MO 63901-2393 (573) 840-9656	Missouri State Archives 600 West Main, PO Box 778 Jefferson City, MO 65102-0778 (573) 526-6711	Lyons Memorial Library College of the Ozarks General Delivery Point Lookout, MO 65726-9999 (417) 334-6411 ext. 3551
Thomas Jefferson Library University of Missouri-St. Louis 8001 Natural Bridge Road St. Louis, MO 63121-4499 (314) 516-5084	James C. Kirkpatrick Library Central Missouri State University 142 Edwards Library Warrensburg, MO 64093-5020 (660) 543-4149	Elmer Ellis Library University of Missouri-Columbia 106 B Ellis Library Columbia, MO 65211-5149 (573) 882-0748	Garnett Library Southwest Missouri State University 304 Cleveland West Plains, MO 65775-3414 (417) 255-7945
Washington University Washington University Law Library Campus Box 1171, Mudd Bldg., One Brookings Dr. St. Louis, MO 63130-4899 (314) 935-6443	Kansas City Public Library 14 West 10th Street Kansas City, MO 64105 (816) 701-3546	Library State Historical Society of Missouri 1020 Lowry St. Columbia, MO 65211-7298 (573) 882-9369	Springfield-Greene County Library 4653 S. Campbell Springfield, MO 65801-0760 (417) 874-8110
St. Louis County Library 1640 S. Lindbergh Blvd. St. Louis, MO 63131-3598 (314) 994-3300 ext. 247	Law Library University of Missouri-Kansas City 5100 Rockhill Road Kansas City, MO 64110-2499 (816) 235-2438	Daniel Boone Regional Library PO Box 1267, 100 West Broadway Columbia, MO 65205-1267 (573) 443-3161 ext. 359	Meyer Library Southwest Missouri State University PO Box 175, 901 S. National Springfield, MO 65804-0095 (417) 836-4533
Maryville University Library 13550 Conway Road St. Louis, MO 63141-7232 (314) 529-9494	University of Missouri-Kansas City Miller Nichols Library 5100 Rockhill Road Kansas City, MO 64110-2499 (816) 235-2438	School of Law University of Missouri-Columbia 224 Hulston Hall Columbia, MO 65211-0001 (573) 882-1125	
Truman State University Pickler Memorial Library 100 E. Normal Kirksville, MO 63501-4221 (660) 785-7416	B.D. Owens Library Northwest Missouri State University 800 University Drive Maryville, MO 64468-6001 (660) 562-1841	Central Methodist College Smiley Memorial Library 411 Central Methodist Square Fayette, MO 65248-1198 (660) 248-6279	
	St. Joseph Public Library 927 Felix Street St. Joseph, MO 64501-2799 (816) 232-8151		

## HOW TO CITE RULES AND RSMo

**RULES**—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division within the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (I). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

**RSMo**—The most recent version of the statute containing the section number and the date.

**T**he Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo Supp. 2006.

## EXECUTIVE ORDER

07-15

WHEREAS, by Executive Order 06-39, I established the Mental Health Transformation Working Group; and

WHEREAS, that Executive Order provided that the Working Group consist of eighteen members; and

WHEREAS, at this time it is necessary to amend Executive Order 06-39 relating to the membership of the Working Group.

NOW, THEREFORE, I, MATT BLUNT, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and the laws of the State of Missouri, do hereby amend Executive Order 06-39 to include additional members on the Mental Health Transformation Working Group.

The Mental Health Transformation Working Group membership shall be increased from eighteen to twenty-four members. The six additional members shall consist of two members from the Department of Social Services, one member from the Department of Health and Senior Services, one member from the Department of Elementary and Secondary Education, one public member who is a consumer and/or family member of an individual receiving youth and/or adult services from the Department of Mental Health and the Director of the Office of Comprehensive Child Mental Health serving in a position either within the organizational structure of the Department of Mental Health or under contract with the Department of Mental Health.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 23<sup>rd</sup> day of April, 2007.

A handwritten signature in black ink, appearing to read "Matt Blunt", written over a horizontal line.

**Matt Blunt**  
**Governor**

**ATTEST:**

A handwritten signature in black ink, appearing to read "Robin Carnahan", written over a horizontal line.

**Robin Carnahan**  
**Secretary of State**



**U**nder this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

**E**ntirely new rules are printed without any special symbolism under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

**A**n important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

**I**f an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

**A**n agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety (90)-day-count necessary for the filing of the order of rulemaking.

**I**f an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

permit fee shall be [twenty dollars (\$20)] **twenty-five dollars (\$25)**.

*AUTHORITY: section 701.355, RSMo 2000. Original rule filed Aug. 26, 1998, effective July 1, 1999. For intervening history, please consult the Code of State Regulations. Amended: Filed May 1, 2007.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will cost private entities three thousand dollars (\$3,000) annually in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Fire Safety, PO Box 844, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

Proposed Amendment Text Reminder:

**Boldface text indicates new matter.**

*[Bracketed text indicates matter being deleted.]*

## Title 11—DEPARTMENT OF PUBLIC SAFETY Division 40—Division of Fire Safety Chapter 5—Elevators

### PROPOSED AMENDMENT

**11 CSR 40-5.110 Fees and Penalties.** The division is amending subsection (1)(B).

*PURPOSE: This amendment increases the installation/alteration permit fee to twenty-five dollars (\$25) as authorized by section 701.377, RSMo ensuring the elevator safety program to remain self-supported without the use of general revenue funds. No fee increase has occurred since the program's inception in 1998.*

(1) New Construction.

(B) Installation/Alteration Permit Fee. The installation/alteration

**FISCAL NOTE  
PRIVATE COST****I. RULE NUMBER**

Rule Number and Name:	11 CSR 40-5.110 Fees and Penalties
Type of Rulemaking:	Proposed Rule Amendment

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
70	Elevator Contractors	\$3,000.00

**III. WORKSHEET:** The department has identified 70 Elevator contractors located in Missouri, Tennessee, Arkansas, Oklahoma, Illinois, and Kansas that apply for Installation/Alteration permits. Based upon information in past years there are approximately 600 Installation/Alteration permits applied for each year. The cost increase per proposed amendment is five (\$5.00) dollars per permit.

**IV. ASSUMPTIONS:** Based upon information in our data base the department has identified 70 elevator contractors that apply for installation/alteration permits each year. These contractors will be required to comply with this proposed amendment.



**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2200—State Board of Nursing  
Chapter 2—Minimum Standards for Approved  
Programs of Professional Nursing**

**PROPOSED RESCISSION**

**20 CSR 2200-2.001 Definitions.** This rule defined terms as used throughout this chapter.

*PURPOSE:* The board is proposing to rescind and readopt this rule in order to define a more inclusive list of terms related to the criteria for professional nursing programs.

*AUTHORITY:* sections 335.036 and 335.071, RSMo 2000. This rule originally filed as 4 CSR 200-2.001. Original rule filed Sept. 25, 1991, effective March 9, 1992. Amended: Filed Aug. 6, 1998, effective Feb. 28, 1999. Amended: Filed Dec. 1, 2000, effective May 30, 2001. Moved to 20 CSR 2200-2.001, effective Aug. 28, 2006. Rescinded: Filed April 17, 2007.

*PUBLIC COST:* This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075 or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2200—State Board of Nursing  
Chapter 2—Minimum Standards for Approved  
Programs of Professional Nursing**

**PROPOSED RULE**

**20 CSR 2200-2.001 Definitions**

*PURPOSE:* This rule defines terms used in 20 CSR 2200 and throughout this chapter.

(1) When used in 20 CSR 2200-2, the following terms mean:

(A) Accredited—The official authorization or status granted by an agency for a program or sponsoring institution through a voluntary process;

(B) Administrator—Registered professional nurse with primary authority and responsibility for administration of program, regardless of job title;

(C) Approved—Recognized by the board as meeting or maintaining minimum standards for educational programs preparing professional nurses;

(D) Annual survey—Report submitted annually by the administrator of the program that updates information on file with the board and validates continuing compliance with minimum standards;

(E) Associate degree program—Program leading to associate degree in nursing conducted by an accredited degree granting institution;

(F) Baccalaureate degree program—Program leading to baccalaureate degree in nursing conducted by an accredited degree granting institution;

(G) Board—Missouri State Board of Nursing;

(H) Campus—A specific geographic program location with a distinct student body and coordinator at which all appropriate services and facilities are provided;

(I) Certificate of approval—Document issued by the board to programs of nursing which have met minimum standards;

(J) Class—A discrete cohort of students admitted to a nursing program, designed to begin a course of study together on a specific date and to graduate together on a specific date;

(K) Clinical experience—Faculty planned and guided learning activities designed to meet course objectives or outcomes and to provide a nursing student with the opportunity to practice cognitive, psychomotor, and affective skills in the delivery of nursing care to an individual, group or community;

(L) Clinical skills laboratory—Designated area where skills and procedures can be demonstrated and practiced;

(M) Conditional approval—Status of a program that has failed to meet or maintain the regulations or requirements, or both, set by the board. This status is subject to the program conforming to the requirements and recommendations within a time period set by the board;

(N) Cooperating agency—A corporation, hospital or other organization which has a written agreement with the program to provide clinical education opportunities;

(O) Coordinator—Registered professional nurse with authority and responsibility for a campus nursing program as delegated by the administrator of the nursing program;

(P) Course objectives—Measurable statements that guide experiences and activities that help learners meet established requirements for a specific course;

(Q) Curriculum—Planned studies and learning activities designed to lead students to graduation and eligibility for application for licensure;

(R) Diploma program—Program leading to diploma in nursing sponsored by a health care institution;

(S) Direct care—A clinical experience in which patient care is given by the student under the direction of the faculty member or preceptor;

(T) Distance learning—Curriculum provided from a main campus location to another geographic location, primarily through electronic or other technological methods;

(U) Endorsement—Process of acquiring licensure as a nurse based on original licensure by examination in another state, territory or country;

(V) Faculty—Individuals designated by sponsoring institution with responsibilities for development, implementation and evaluation of philosophy/mission, objectives and curriculum of nursing program;

(W) Full-time—Those individuals deemed by sponsoring institution to meet definition for full-time employment;

(X) Generic—Initial educational program in nursing leading to entry-level licensure;

(Y) Governing body—Body authorized to establish and monitor policies and assume responsibility for the educational programs;

(Z) Graduate competency—Individual graduate behaviors;

(AA) Grievance policy and procedure—An established procedure for processing complaints; may also be known as a complaint procedure, due process, appeals procedure or problem resolution;

(BB) Initial approval—Status granted a program of professional nursing until full approval status is granted or denied;

(CC) Minimum standards—Criteria which nursing programs shall meet in order to be approved by the board;

(DD) Mission—Overall statement of purpose that faculty accept as valid and is directly related to curriculum practices;

(EE) Multiple campuses—Distinct and separate geographic location offering the same program, providing the same services, and operated by the same sponsoring institution;

(FF) NCLEX-RN® examination—National Council Licensure Examination for Registered Nurses;

(GG) Objectives—Measurable statements describing anticipated outcomes of learning;

(HH) Observational experiences—Planned learning experiences designed to assist students to meet course objectives through observation;

(II) Part-time—Individuals deemed by the sponsoring institution to meet the definition for part-time employment;

(JJ) Philosophy—A composite of the beliefs that the faculty accepts as valid and is directly related to curriculum practices;

(KK) Pilot program/project—Educational activity which has board approval for a limited time and which otherwise would be out of compliance with minimum standards;

(LL) Preceptor—Registered professional nurse assigned to assist nursing students in an educational experience which is designed and directed by a faculty member;

(MM) Program—Course of study leading to a degree or diploma;

(NN) Program outcomes—Measurable statements defining aggregate student achievements;

(OO) Requirement—A mandatory condition that a school or program meets in order to comply with minimum standards;

(PP) Satellite location—A site geographically separate from but administered and served by a primary program campus;

(QQ) Sponsoring institution—The institution that is financially and legally responsible for the nursing program;

(RR) Statement of need—Current evidence of need for professional and practical nurses and of community support;

(SS) Systematic evaluation plan—Written plan developed by faculty for comprehensive evaluation of all aspects of the program; and

(TT) Written agreement—Formal memorandum of understanding or contract between a nursing education program and a cooperating agency, which designates each party's responsibilities for the education of nursing students.

*AUTHORITY: sections 335.036 and 335.071, RSMo 2000. This rule originally filed as 4 CSR 200-2.001. Original rule filed Sept. 25, 1991, effective March 9, 1992. For intervening history, please consult the Code of State Regulations. Rescinded and readopted: Filed April 17, 2007.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075 or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2200—State Board of Nursing  
Chapter 2—Minimum Standards for Approved  
Programs of Professional Nursing**

**PROPOSED RESCISSION**

**20 CSR 2200-2.010 Approval.** This rule defined accreditation in the minimum standards for accredited programs of professional nursing in Missouri.

*PURPOSE: This rule is being rescinded and readopted to reorganize the contents of the rule.*

*AUTHORITY: sections 335.036 and 335.071, RSMo 2000. This rule originally filed as 4 CSR 200-2.010. This version of rule filed April 20, 1973, effective May 1, 1973. For intervening history, please consult the Code of State Regulations. Rescinded: Filed April 17, 2007.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075 or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2200—State Board of Nursing  
Chapter 2—Minimum Standards for Approved  
Programs of Professional Nursing**

**PROPOSED RULE**

**20 CSR 2200-2.010 Approval**

*PURPOSE: This rule defines the approval status and process for programs of professional nursing.*

(1) Generic programs granting diploma, associate degree or baccalaureate degree with a major in nursing shall obtain approval from the board.

(2) Purposes of Approval.

(A) To promote the safe practice of professional nursing by setting minimum standards for programs preparing entry-level professional nurses.

(B) To assure that educational requirements for admission to the licensure examination have been met and to facilitate endorsement in other states, territories, countries, or a combination of these.

(C) To encourage continuing program improvement through assessment, evaluation and consultation.

(D) To assist programs of professional nursing in developing and maintaining academic standards (didactic and clinical) that are congruent with current educational and nursing practice standards.

(3) Classification of Approval.

(A) Initial approval is the status granted a program of professional nursing until full approval is granted or denied.

(B) Full approval is the status granted a program of professional nursing after the program has graduated one (1) class and has met and continues to meet regulations or requirements.

(C) Conditional approval is the status of a program that has failed to meet or maintain the regulations or requirements set by the board.

(4) Initial Approval Status.

(A) Process for Obtaining Initial Approval:

1. An institution desiring to establish a program of professional nursing shall submit a letter of intent to the board at least three (3) months prior to the submission of a proposal. The letter of intent must include: the mission statement of the sponsoring institution; type and length of the nursing program proposed; and tentative budget plans including evidence of financial resources adequate for planning, implementing, and continuing the nursing program. The board will make the letter of intent available to all programs of nursing in the state via its website;

2. Each sponsoring institution shall have only one (1) program proposal under consideration for initial approval at any one (1) time;

3. A program proposal shall be written and presented to the board by the administrator of the proposed program. The proposal shall bear the signature of the administrator who shall meet the criteria in 20 CSR 2200-2.060(1)(B) and shall be active in the position on a full-time basis at least nine (9) months and preferably one (1) year prior to the entry of the first class. Fourteen (14) copies of the proposal must be submitted with the required application fee. The proposal must be prepared following the reporting format and include each component as indicated in paragraph (4)(A)4. of this rule. Board approval of the proposal with or without contingencies must be obtained no later than six (6) months prior to the anticipated opening date;

4. A proposal submitted shall contain the following information:

A. Statement of need and feasibility study, which includes:

(I) Documentation of the need for the nursing program including community and economic development need, rationale for why the program should be established, and documentation of employers' need for graduates of the proposed program;

(II) Number of professional nursing and practical nursing programs in the area and potential impact on those nursing programs;

(III) Number and source of anticipated student population;

(IV) Letters of support for the proposed nursing program;

and

(V) Source of potential qualified faculty;

B. Curriculum.

(I) Philosophy/mission.

(II) Graduate competencies.

(III) Curriculum sequence.

(IV) Course descriptions and objectives with number of credit hours for all courses;

C. Students.

(I) Maximum number of students per class.

(II) Number of classes admitted per year.

(III) Number of students anticipated in initial class.

(IV) Plan for increase to maximum enrollment.

(V) Admission criteria.

(VI) Plans for progression and retention of students.

(VII) Formal complaint procedure.

(VIII) Availability of student services and personnel;

D. Faculty.

(I) Number of full-time and part-time faculty.

(II) Position descriptions;

E. Support services personnel.

(I) Number of full-time and part-time ancillary support services personnel.

(II) Position descriptions;

F. Sponsoring institution.

(I) Evidence of authorization to conduct the program of professional nursing by the governing body of the sponsoring institution.

(II) Evidence of accreditation by an agency recognized by the United States Department of Education.

(III) Provision of administrative structure/organizational charts of the sponsoring institution and the nursing program.

(IV) Evidence of financial stability and resources of the sponsoring institution and the program of nursing; and

G. Facilities.

(I) Description of educational facilities to be used by the professional nursing program such as classrooms, library, offices, clinical skills laboratory, and other facilities.

(II) Description of planned or available learning resources to include such items as equipment, supplies, library services, computers, and technology.

(III) Description of proposed clinical sites that will provide appropriate educational experience.

(IV) A letter of intent from each proposed cooperating agency stating its ability to provide the appropriate educational experiences;

5. Site survey. A representative from the board shall make an on-site survey to verify implementation of the proposal and compliance with 20 CSR 2200-2.050 through 20 CSR 2200-2.130; and

6. The board's decision to grant initial approval is contingent upon evidence from the site survey that the program is being implemented in compliance with 20 CSR 2200-2.050 through 20 CSR 2200-2.130.

(B) Throughout the period of initial approval, the program shall be evaluated at least annually.

(C) Upon graduation of the program's first class and receipt of results of the National Council Licensure Examination for Registered Nurses (NCLEX-RN®), the board will review the following:

1. The program's compliance with minimum standards during initial approval including the program's adherence to the approved proposal and changes authorized by the board;

2. Report of an on-site survey (if conducted);

3. Report of National Council Licensure Examination for Registered Nurses results (see 20 CSR 2200-2.180(1)); and

4. Identification and analysis of class graduation rate.

(D) After its review, the board shall decide to continue initial approval for a period of not more than one (1) year, deny approval or grant full approval.

(5) Full Approval Status.

(A) Annual Survey. Each program and each campus of each program shall complete and submit the board's annual survey prior to the established deadline. Following review by the board, each program shall be notified of the board's action(s).

(B) Five (5)-Year Survey. Each approved program and each campus shall be surveyed every five (5) years from the first year of full approval. Either an on-site survey or a paper survey may be conducted. If a nursing program is accredited by a national recognized nursing accrediting body and accredited by the Higher Learning Commission North Central Association of Colleges and Schools, the Missouri Department of Higher Education, the Accrediting Council for Independent Colleges and Schools, or other accrediting body recognized by the United States Department of Education, a five (5)-year on-site survey may be deferred. A paper review will include the accreditation self-study report, recommendations made by the accrediting body, graduation rates and other information as required by the board. Copies of correspondence regarding changes in accreditation status shall be submitted to the board within thirty (30) days of the program's receipt of such.

(C) Additional Visits/Surveys. A representative of the board shall make additional visits/surveys as deemed necessary by the board. A program may request additional visits.

(6) Conditional Approval Status.

(A) Should circumstances warrant, the board will notify the program administrator of concerns regarding the program and the administrator will be requested to respond to those concerns.

(B) A program may be placed on conditional approval status if it has failed to meet or maintain the rules/regulations or requirements, or both, set by the board. The program will remain on conditional



approval status until such time as the deficiencies are corrected to the satisfaction of the board.

(C) A program's approval may be withdrawn pursuant to section 335.071.3, RSMo, for noncompliance with minimum standards. A program which fails to correct identified deficiencies to the satisfaction of the board shall, after notice and hearing, be removed from the board's listing of approved programs.

(7) Annual Registration Requirements:

(A) An application for annual registration shall be sent to each approved program and each campus of each program from the board. Failure to receive the application will not relieve the program of its obligation to register;

(B) A separate annual registration form and designated fee as established in 20 CSR 2200-4.010(1)(F) shall be submitted to the board for each approved program and each campus of each program prior to June 1 of each year; and

(C) A program's approval status shall be subject to review by the board if the required registration fee is not received within thirty (30) days of the June 1 deadline.

*AUTHORITY: sections 335.036 and 335.071, RSMo 2000. This rule originally filed as 4 CSR 200-2.010. This version of rule filed April 20, 1973, effective May 1, 1973. For intervening history, please consult the **Code of State Regulations**. Rescinded and readopted: Filed April 17, 2007.*

*PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately twenty-four thousand six hundred fifty-eight dollars and sixty-eight cents (\$24,658.68) annually for the life of the rule and eight thousand nine hundred forty-seven dollars and thirteen cents (\$8,947.13) every five (5) years for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.*

*PRIVATE COST: This proposed rule will cost private entities approximately ten thousand seven hundred ninety-one dollars and four cents (\$10,791.04) annually for the life of the rule and one hundred thirteen dollars and fifty-two cents (\$113.52) every five (5) years for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075 or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

PUBLIC ENTITY FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration  
Division 2200 - State Board of Nursing  
Chapter 2 - Approved Programs of Professional Nursing  
Proposed Rule - 20 CSR 2200-2.010 Approval  
Prepared December 28, 2006

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance	
State Board of Nursing	<b>Annual Costs:</b> Initial Approval of a Nursing Program - \$2,470.82 Annual Reports - \$22,187.86	\$24,658.68
	<b>Every Five Years:</b> 5 Year Survey (Paper Review) - \$3,560.51 5 Year Survey (Including Site Visit) - \$5,386.62	\$8,947.13

III. WORKSHEET

Initial Approval of Nursing Program

The board anticipates receiving 2 applications for initial approval annually.

PERSONAL SERVICE COSTS

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	TIME PER PROPOSAL	COST PER PROPOSAL	TOTAL COST
Education Administrator	\$45,384.00	\$63,750.90	\$30.65	33 hours	\$1,011.43	\$2,022.87
Senior Office Support Assistant	\$24,144.00	\$33,915.08	\$16.31	5 hours	\$81.53	\$163.05

**Total personal service costs \$2,185.92**

It is estimated that the following staff time will be devoted to each application:

**Education Administrator/RN VI (33 hours)** - Analyze proposal and supporting documentation, request additional information as needed, conduct site visit, and prepare site visit report. NOTE: Time may vary depending on the length of the proposal and location of the school. For the purpose of this fiscal note, 33 hours is used to determine personal service cost associated with the Education Administrator.

**Senior Office Support Assistant (5 hours)** - Process initial proposal, prepare correspondence and site visit report, and assemble board meeting materials. NOTE: Time may vary depending on the length of the proposal and location of the school. For the purpose of this fiscal note, 5 hours is used to determine personal service cost associated with the Senior Office Support Assistant.

EXPENSE AND EQUIPMENT COSTS

CLASSIFICATION	Fee Amount	Number in Class	AGGREGATE COST
Letterhead (approval of new providers)	\$0.15	2	\$0.30
Envelope (approval of new providers)	\$0.16	2	\$0.32
Postage (approval of new providers)	\$0.34	2	\$0.68
			<b>\$1.30</b>

TRAVEL EXPENSES

The board is unable to determine the exact amount of travel expenses associated with this rule due to the various geographic locations of the programs, therefore, for the purposes of this fiscal note the board estimates the following average travel expenses to conduct one (1) site visit.

Mileage (average 240 miles round trip @ \$0.415)	\$99.60
Lodging (\$96 per night/1 night)	\$96.00
Meals (\$44 per day/2 days)	\$88.00
	<b>\$283.60</b>

Annual Report

The board anticipates receiving 55 annual reports each year.

PERSONAL SERVICE COSTS

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	TIME PER REPORT	COST PER REPORT	TOTAL COST
Education Administrator	\$45,384.00	\$63,750.90	\$30.65	2 hours 30 minutes	\$76.62	\$4,214.30
Senior Office Support Assistant	\$24,144.00	\$33,915.08	\$16.31	20 hours	\$326.11	\$17,935.86

**Total personal service costs \$22,150.16**

It is estimated that the following staff time will be devoted to each annual survey:

**Education Administrator/RN VI** (2 hours 30 minutes) - Analyze report and supporting documentation, prepare correspondence, request additional information as needed, and prepare report for board review. NOTE: Time may vary depending on the size of the program. For the purpose of this fiscal note, 2 hours and 30 minutes is used to determine personal service cost associated with the Education Administrator.

**Senior Office Support Assistant** (20 hours) - Assemble report forms and materials for mailing to programs, notify/remind programs to submit report; processing of completed reports and fees, prepare letters of acknowledgement and acceptance, enter data into the division's licensing system, and preparing reports and copies for board review. NOTE: Time may vary depending on the size of the program. For the purpose of this fiscal note, 20 hours is used to determine personal service cost associated with the Senior Office Support Assistant.

#### EXPENSE AND EQUIPMENT COSTS

CLASSIFICATION	Fee Amount	Number in Class	AGGREGATE COST
Annual Report Forms	\$0.15	55	\$8.25
Envelope (annual report mailing)	\$0.16	55	\$8.80
Postage (annual report mailing)	\$0.37	55	\$20.35
			<b>\$37.40</b>

#### 5 Year Survey (Paper Review)

All of the BSN and diploma programs are accredited by a nationally recognized nursing education agency/body and almost half of the ADN programs possess such accreditation. These programs may complete paper surveys. The board estimates approximately five (5) programs will submit paper reports and four (4) will require site visits each year.

#### PERSONAL SERVICE COSTS

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	TIME PER 5 YEAR SURVEY	COST PER 5 YEAR SURVEY	TOTAL COST
Education Administrator	\$45,384.00	\$63,750.90	\$30.65	15 hours	\$459.74	\$2,298.71
Senior Office Support Assistant	\$24,144.00	\$33,915.08	\$16.31	15 hours	\$244.58	\$1,222.90

**Total personal service costs \$3,521.61**

It is estimated that the following staff time will be devoted for each 5 year survey:

**Education Administrator/RN VI** (15 hours) - Analyze proposal and supporting documentation, request additional information as needed, and prepare report for board review. NOTE: Time may vary depending on the length of the proposal and location of the school. For the purpose of this fiscal note, 20 hours is used to determine personal service cost associated with the Education Administrator.

**Senior Office Support Assistant** (15 hours) - Process initial proposal, prepare correspondence and annual report, and assemble board meeting materials. NOTE: Time may vary depending on the length of the proposal and location of the school. For the purpose of this fiscal note, 15 hours is used to determine personal service cost associated with the Education Administrator.

#### EXPENSE AND EQUIPMENT COSTS

CLASSIFICATION	Fee Amount	Number in Class	AGGREGATE COST
Annual Report Form	\$0.15	5	\$4.50
Envelope (mailing annual report form)	\$0.16	5	\$4.80
Postage (mailing annual report form)	\$0.34	5	\$10.20
Letterhead (acknowledgment/acceptance of annual reports)	\$0.15	5	\$4.50
Envelope (acknowledgment/acceptance of annual reports)	\$0.16	5	\$4.80
Postage (acknowledgment/acceptance of annual reports)	\$0.34	5	\$10.20
			<b>\$39.00</b>

#### 5 Year Survey Requiring a Site Visit

#### PERSONAL SERVICE COSTS

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	TIME PER 5 YEAR SURVEY	COST PER 5 YEAR SURVEY	TOTAL COST
Education Administrator	\$45,384.00	\$63,750.90	\$30.65	24 hours	\$735.59	\$2,942.35
Senior Office Support Assistant	\$24,144.00	\$33,915.08	\$16.31	20 hours	\$326.11	\$1,304.43

**Total personal service costs \$4,246.78**

All of the BSN and diploma programs are accredited by a nationally recognized nursing education agency/body and almost half of the ADN programs possess such accreditation so those are paper surveys. The board estimates approximately 16 programs will require site visits for the 5 year survey. This number will decrease as some of these non-accredited programs are pursuing accreditation by the National League for Nursing Accrediting Commission.

It is estimated that the following staff time will be devoted on each application for the following duties:

**Education Administrator/RN VI** (26 hours) - Analyze proposal and supporting documentation, request additional information as needed, conduct site visit, and prepare site visit report. NOTE: Time may vary depending on the length of the proposal and location of the school. For the purpose of this fiscal note, 26 hours is used to determine personal service cost associated with the Education Administrator.

**Senior Office Support Assistant** (20 hours) - Process initial proposal, prepare correspondence and site visit report, and assemble board meeting materials. NOTE: Time may vary depending on the length of the proposal and location of the school. For the purpose of this fiscal note, 20 hours is used to determine personal service cost associated with the Education Administrator.

**EXPENSE AND EQUIPMENT COSTS**

CLASSIFICATION	Fee Amount	Number in Class	AGGREGATE COST
Annual Report Form	\$0.15	4	\$0.60
Envelope (mailing annual report form)	\$0.16	4	\$0.64
Postage (mailing annual report form)	\$0.37	4	\$1.48
Letterhead and Completed Annual Report	\$0.15	4	\$0.60
Envelope (review of annual reports)	\$0.16	4	\$0.64
Postage (review of annual reports)	\$0.37	4	\$1.48
			<b>\$5.44</b>

**TRAVEL EXPENSES**

The board is unable to determine the exact amount of travel expenses associated with this rule due to the various geographic locations throughout the state, however, for the purposes of this fiscal note the board estimates the following average travel expenses:

Mileage (average 240 miles round trip @ \$0.415)	\$99.60		
Lodging (\$96 per night/1 night)	\$96.00		
Meals (\$44 per day/2 days)	\$88.00		
	<b>\$283.60</b>	<b>Total Travel Expenses</b>	<b>\$1,134</b>

**IV. ASSUMPTIONS**

1. An additional visit (see subsection (5)(C)) could be announced or unannounced depending upon reasons for making the survey, The cost would be similar to the 5 year visit as reported above.
2. Currently conditional approval status (see section (6)) is done by letter since all placements of conditional approval status are due to licensure pass rates that are below 80%. If the conditional approval status is due to other reasons, an announced or unannounced visit may be made. An unannounced visit would be dependent upon other information received by the board, such as numerous student complaints or information indicating that the program is not adhering to the minimum standards. Generally the cost is a letter sent by certified mail informing the program of the conditional status. If there is a site visit, the cost would be similar to those reported for a 5 year site survey visit.
3. It is anticipated that the total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**NOTE:** The public fiscal note for this rule only reflects the cost for this particular process. However, private entity fees are set at an amount to cover the total actual cost incurred by the office, which includes personal service, expense and equipment and transfers.



**PRIVATE ENTITY FISCAL NOTE****I. RULE NUMBER****Title 20 - Department of Insurance, Financial Institutions and Professional Registration****Division 2200 - State Board of Nursing****Chapter 2 - Approved Programs of Professional Nursing****Proposed Rule - 20 CSR 2200-2.010 Approval**

Prepared December 28, 2006

**II. SUMMARY OF FISCAL IMPACT**

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the amendment by affected entities during first year of implementation:
2	Applicants - Annually (Submission of Initial Proposal - @ \$3.76)	\$7.24
2	Applicants - Annually (Accreditation by a US Dept. of Education Recognized Agency @ \$2500)	\$5,000.00
55	Currently Approved Providers- Annually (Annual Registration @ \$105.16)	\$5,783.80
11	Currently Approved Schools - Every 5 Years (Submission of 5 Year Survey @ \$10.32)	\$113.52
<b>Annual Cost of Compliance</b>		<b>\$10,791.04</b>
<b>Every Five Years:</b>		<b>\$113.52</b>

**III. WORKSHEET**

<b>Initial Approval</b>	
Letterhead	\$0.16
Copies of Supporting Document	\$2.50
Envelope	\$0.32
Postage	\$0.78
	<hr/>
	\$3.76
<b>Annual Registration</b>	
Annual Registration Fee	\$100.00
Envelope	\$0.16
Postage	\$5.00
	<hr/>
	\$105.16
<b>Submission of 5 Year Survey</b>	
Letterhead	\$0.16
Envelope	\$0.16
Postage*	\$10.00
	<hr/>
	\$10.32

\*NOTE: Postage may vary depending upon the amount of documentation submitted to the board.

#### IV. ASSUMPTIONS

##### Initial Approval

1. Currently approved professional nursing programs are in compliance with the federal requirements which allow them to participate in the federal student loan programs if they are located in degree granting institutions and have appropriate accreditation from a US Dept. of Education recognized agency. Most of the sponsoring institutions are accredited by the Higher Learning Commission of the North Central Association. However, there are 3 or 4 proprietary programs that are accredited by Accrediting Council of Independent Colleges and Schools (ACICS) via which they participate in the federal student loan programs. However, applicants for initial approval will be required to obtain initial or candidacy status with the North Central Association accreditation, or other accreditation recognized by the US Dept. of Education. The board estimates the accreditation process will cost applicants approximately \$2500.
2. Applicants for initial approval are required to submit a letter of intent to the board along with supporting documentation which includes a tentative budget plan and documentation regarding stability of the sponsoring institution. Cost for preparing such supporting documentation may vary from applicant to applicant, therefore, these costs are not being calculated in this fiscal note.
3. Programs are located in public and private educational institutions and vary greatly in size. It is difficult to determine the costs incurred by a sponsoring institution for the submission of a proposal to start a nursing program and are not being calculated in this fiscal note due to the following variables:
  - Proposed nursing program not located in a sponsoring institution that currently offers other types of programs and there are no physical facilities (classrooms, library, etc.) and no established student support services;
  - Sponsoring institution not presently accredited by an agency recognized by the U.S. Department of Education and must pursue that process;
  - Sponsoring institution leases rather than owns space for the proposed nursing program or must renovate physical facilities to accommodate the program;
  - Sponsoring institution does not currently have any type of nursing program and must start from "scratch" in developing philosophy/mission, curriculum and hire faculty etc. Costs are generally reduced if sponsoring institution currently offers a professional nursing program;
  - Sponsoring institution is a large, public entity as opposed to a small, private entity in terms of obtaining the needed organizational approvals which could lead to increase expense and time;
  - Dependent upon the experience of the program administrator responsible for writing the proposal. If s/he is inexperienced in education, the hiring of a consultant and/or meetings with other program administrators for advice and direction may be needed; and
  - Cost will vary if the sponsoring institution is able to obtain grants or other federal/state monies for the proposed program.
4. Applicants may experience costs for the following variables, these factors may vary from applicant to applicant and are not included in this fiscal note:
  - Hiring program administrator to write the proposal;
  - Performing needs study to assemble information which may include conducting surveys, meeting with stakeholders, etc.;
  - Obtaining letters of support for proposed program from interested parties and letters of intent for clinical utilization from health care facilities/agencies;
  - Developing philosophy and graduate competencies for the program to be basis for curriculum;
  - Developing curriculum plan with the sequence of courses, number of credit or clock hours per course and description and objectives for each course;
  - Determining number of students to be enrolled, develop admission and progression criteria and develop appeals procedures;
  - Developing position descriptions for faculty and, if necessary, support personnel;
  - Developing charts/lines of communication for sponsoring institution and nursing program;

- Developing budget for program, which may include seeking grants or other monies/donations to reduce expenses;
- Providing appropriate physical facilities for the program which may result in constructing a building, renovating, or buying or leasing a property. Considerations for the building must include appropriately equipped classrooms which may include a science lab; developing and furnishing clinical skills laboratory with furnishings, equipment, models, mannequins, etc.; and developing and furnishing library/learning resources which may include computers, software, A-V resources, books, journals, shelves and other furnishings; and
- Hiring secretarial assistance to type and assemble proposal, making copies, and mailing or delivering proposal.

**Annual Survey**

Currently approved programs are expected to incur costs for the following, however, due to the size and geographic location of the program, the cost will vary and are not included in this fiscal note:

- Completion of a 3 page report may be required for each member of the faculty to update records with the board; and assembling of publications (catalog, student handbook, etc.); and
- Mailing or delivering report to the board office.

**5 Year Survey**

Currently approved programs are expected to incur costs every 5 years for the following, however, due to the size and geographic location of the program, the cost may vary and are not included in this fiscal note:

- For a paper review, the program submits a form which lists the standards and where information regarding each standard is found; course syllabi; samples of final exams, college catalog; student handbooks, application and recruitment materials, a copy of the programs systematic evaluation plan; a copy of the most recent report from the nursing education accrediting body and the program response to any recommendation.

**5 Year Site Survey**

Programs requiring a site visit submit the same information as required with the 5 year survey with the exception of the accrediting agency's report and program response.

5. It is anticipated that the total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**NOTE:** The division is statutorily obligated to enforce and administer the provisions of Chapter 335, RSMo. Pursuant to Chapter 335, RSMo, the division shall by rule and regulation set the amount of fees authorized by Chapter 335, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of Chapter 335, RSMo.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2200—State Board of Nursing  
Chapter 2—Minimum Standards for Approved  
Programs of Professional Nursing**

**PROPOSED RESCISSION**

**20 CSR 2200-2.020 Discontinuing and Reopening Programs.**  
This rule defined the procedure for discontinuing and reopening programs of professional nursing.

*PURPOSE:* This rule is being rescinded and readopted to reorganize the content of the rule and remove extraneous wording.

*AUTHORITY:* sections 335.036 and 335.071, RSMo 2000. This rule originally filed as 4 CSR 200-2.020. This version of rule filed April 20, 1973, effective May 1, 1973. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed April 17, 2007.

*PUBLIC COST:* This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075 or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2200—State Board of Nursing  
Chapter 2—Minimum Standards for Approved  
Programs of Professional Nursing**

**PROPOSED RULE**

**20 CSR 2200-2.020 Discontinuing and Reopening Programs**

*PURPOSE:* This rule establishes the procedures for discontinuing and reopening programs of professional nursing.

(1) Program Discontinuation.

(A) A letter of intent shall be submitted to the board, at least six (6) months and, preferably, one (1) year prior to closing the program and shall include:

1. Closing date; and
2. Plans for completion of program for currently enrolled students.

(B) The plan for closure must be approved by the board prior to implementation.

(C) Date of completion on the diploma or degree shall be on or before the official closing date of the program.

(D) Application for registration with the required fee shall be submitted annually to the board as long as there are students in the program.

(E) Classroom and clinical instruction approved by the board shall be provided until the designated date of closing. The sponsoring institution shall be responsible for providing a complete educational

program for the currently enrolled students or shall provide a mechanism for transfer.

(F) Records for all graduates and for all students who attended the program shall be filed in the manner used by the institution conducting the program.

1. Transcripts of all courses attempted or completed by each student attending the program shall be maintained by the designated custodian. Provisions for obtaining copies of transcripts shall be maintained.

2. If the program closes but the sponsoring institution continues, that institution shall assume the responsibility for the records and notify the board, in writing, of the location of the storage of the records.

3. If both the program and the sponsoring institution close, the transcripts shall be given permanent custodial care and the board shall be notified in writing of the name and address of the custodian.

(2) Program Reopening. The procedure for reopening a program is the same as for initial approval in 20 CSR 2200-2.010(4)(A).

*AUTHORITY:* sections 335.036 and 335.071, RSMo 2000. This rule originally filed as 4 CSR 200-2.020. This version of rule filed April 20, 1973, effective May 1, 1973. For intervening history, please consult the *Code of State Regulations*. Rescinded and readopted: Filed April 17, 2007.

*PUBLIC COST:* This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rule with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075 or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2200—State Board of Nursing  
Chapter 2—Minimum Standards for Approved  
Programs of Professional Nursing**

**PROPOSED RESCISSION**

**20 CSR 200-2.030 Change of Sponsorship.** This rule defined the procedure for a change of sponsorship of a professional nursing program.

*PURPOSE:* This rule is being rescinded and readopted to remove extraneous wording.

*AUTHORITY:* sections 335.036 and 335.071, RSMo 2000. This rule originally filed as 4 CSR 200-2.030. This version of rule filed April 20, 1973, effective May 1, 1973. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed April 17, 2007.

*PUBLIC COST:* This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.



*PRIVATE COST:* This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075 or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2200—State Board of Nursing  
Chapter 2—Minimum Standards for Approved  
Programs of Professional Nursing**

**PROPOSED RULE**

**20 CSR 2200-2.030 Change of Sponsorship**

*PURPOSE:* This rule defines the procedure for a change of sponsorship of a professional nursing program.

(1) The institution assuming the sponsorship of an approved program shall notify the board in writing within ten (10) working days after the change of sponsorship.

(2) A change in sponsorship form provided by the board shall be completed and returned within thirty (30) days of receipt of the form.

(3) Any proposed changes that affect the criteria included in 20 CSR 2200-2.010(4)(A)1.-4. must be approved by the board prior to implementation.

(4) Program documents shall be changed to indicate the appropriate sponsor.

*AUTHORITY:* sections 335.036 and 335.071, RSMo 2000. This rule originally filed as 4 CSR 200-2.030. This version filed April 20, 1973, effective May 1, 1973. For intervening history, please consult the *Code of State Regulations*. Rescinded and readopted: Filed April 17, 2007.

*PUBLIC COST:* This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rule with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075 or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2200—State Board of Nursing  
Chapter 2—Minimum Standards for Approved  
Programs of Professional Nursing**

**PROPOSED RESCISSION**

**20 CSR 2200-2.035 Multiple Campuses.** This rule defined the procedure for multiple campuses.

*PURPOSE:* This rule is being rescinded and readopted to better distinguish the difference between multiple campuses and satellite locations and emphasize that each campus must have a designated full-time coordinator.

*AUTHORITY:* sections 335.036(2), (3), (4), (5), and (6), RSMo Supp. 1997 and 335.071, RSMo 1994. This rule originally filed as 4 CSR 200-2.035. Original rule filed Aug. 6, 1998, effective Feb. 28, 1999. Moved to 20 CSR 2200-2.035, effective Aug. 28, 2006. Rescinded: Filed April 17, 2007.

*PUBLIC COST:* This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075 or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2200—State Board of Nursing  
Chapter 2—Minimum Standards for Approved  
Programs of Professional Nursing**

**PROPOSED RULE**

**20 CSR 2200-2.035 Multiple Campuses**

*PURPOSE:* This rule defines the procedures for multiple campuses.

(1) Each campus of a program will be treated independently for purposes of compliance with the minimum standards set forth by the board.

(2) Each campus is required to submit a separate annual survey, five (5)-year survey, annual registration and annual registration fee.

(3) The sponsoring institution must submit a proposal as indicated in 20 CSR 2200-2.010(4)(A) and receive approval from the board before opening an additional campus. Each additional campus shall be surveyed.

(4) Each campus shall have a full-time faculty person designated as the coordinator who reports to the program administrator.

(5) Discipline of one (1) campus will not automatically result in discipline of other campuses of the same program.

(6) Each campus will be evaluated individually concerning licensure examination results.

(7) Satellite locations do not qualify as multiple campuses.

*AUTHORITY:* sections 335.036(2), (3), (4), (5) and (6) and 335.071, RSMo 2000. This rule originally filed as 4 CSR 200-2.035.

*Original rule filed Aug. 6, 1998, effective Feb. 28, 1999. Moved to 20 CSR 2200-2.035, effective Aug. 28, 2006. Rescinded and readopted: Filed April 17, 2007.*

**PUBLIC COST:** *This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

**PRIVATE COST:** *This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed rule with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075 or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2200—State Board of Nursing  
Chapter 2—Minimum Standards for Approved  
Programs of Professional Nursing**

**PROPOSED RESCISSION**

**20 CSR 2200-2.040 Program Changes Requiring Board Approval, Notification, or Both.** This rule defined program changes which require board approval, notification, or both.

**PURPOSE:** *This rule is being rescinded and readopted to specifically delineate items needing board approval and/or notification and the procedure to submit changes.*

**AUTHORITY:** *section 335.036, RSMo Supp. 1997. This rule originally filed as 4 CSR 200-2.040. This version of rule filed April 20, 1973, effective May 1, 1973. For intervening history, please consult the Code of State Regulations. Rescinded: Filed April 17, 2007.*

**PUBLIC COST:** *This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

**PRIVATE COST:** *This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed rescission with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075 or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2200—State Board of Nursing  
Chapter 2—Minimum Standards for Approved  
Programs of Professional Nursing**

**PROPOSED RULE**

**20 CSR 2200-2.040 Program Changes Requiring Board Approval, Notification, or Both**

**PURPOSE:** *This rule defines program changes which require board approval, notification, or both.*

- (1) Board approval is required for changes of the following:
- (A) Curriculum;
  - (B) Length of program;
  - (C) Increase number of students by admission or transfer, by more than one (1) beyond the number approved by the board;
  - (D) Pilot program/project; and
  - (E) Relocation of the program or any of its components.

- (2) The request for board approval of program changes shall include:
- (A) Narrative description of proposed change(s);
  - (B) Rationale for proposed changes including consistency with the program's philosophy/mission and graduate competencies;
  - (C) Side by side comparison of proposed changes and current practice when applicable;
  - (D) Timetable for implementation;
  - (E) Narrative of the impact of proposed changes on the program;
  - (F) Explanation of the impact of the proposed changes on currently enrolled students, faculty, graduates or resources; and
  - (G) Methods of evaluation to be used to determine the effect of the change.

- (3) The request shall be submitted by a deadline established by the board.

- (4) A change in name and/or address of the program shall be submitted in writing to the board within thirty (30) days of the change.

- (5) A change in a program's accreditation status by any accrediting body shall be submitted in writing to the board within thirty (30) days of the program's notification of such.

**AUTHORITY:** *section 335.036, RSMo 2000. This rule originally filed as 4 CSR 200-2.040. This version of rule filed April 20, 1973, effective May 1, 1973. For intervening history, please consult the Code of State Regulations. Rescinded and readopted: Filed April 17, 2007.*

**PUBLIC COST:** *This proposed rule will cost state agencies or political subdivisions approximately sixty-one dollars and thirty cents (\$61.30) to five hundred twenty-nine dollars (\$529) per program revision for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.*

**PRIVATE COST:** *This proposed rule will cost private entities approximately twenty-seven dollars (\$27) to one hundred thirty-four dollars (\$134) per program revision for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.*

**NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed rule with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075 or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

## PUBLIC ENTITY FISCAL NOTE

## I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2200 - State Board of Nursing

Chapter 2 - Approved Programs of Professional Nursing

Proposed Rule - 20 CSR 2200-2.040 Program Changes Requiring Board Approval, Notification or Both

Prepared December 28, 2006

## II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance		
State Board of Nursing	<table> <tr> <td>Cost of Compliance for the Life of the Rule</td><td>\$61.30 - \$529 per program revision</td></tr> </table>	Cost of Compliance for the Life of the Rule	\$61.30 - \$529 per program revision
Cost of Compliance for the Life of the Rule	\$61.30 - \$529 per program revision		

## III. WORKSHEET

The following is a summary of the time the Education Administrator/RN VI will spend with various revision changes. Due to the unknown number and degree of revisions a program may make in a year, the board is estimating a range of costs in this fiscal note.

## Education Administrator/RN VI

The time involved to review a curriculum revision varies with the degree of change requested. A complete revision of the entire curriculum could take 6-8 hours to review whereas, if the request involves only 2-4 courses, the review could be done in 2 hours. Once clarifications are received and acceptable, the request is sent to the Education Committee members for review. The time involved for reviewing requests for a change in the number of students may only take 2 hours if the program has included all the necessary information. If clarification is needed that increases the time and there is letter writing. This request also goes to members of the Education Committee. If the program relocates, it may submit blue prints or a diagram of the new physical layout along with narrative descriptions. This may take 2-3 hours to review. A site visit may be conducted and the geographic location of the program would determine if that means travel, lodging and meals. A report of the relocation visit takes about 2 hours to write and is sent to Education Committee members.

Tasks	<u>Processing</u>		<u>Cost Per</u>
	<u>Time</u>	<u>Salary</u>	<u>Revision</u>
Complete Revision	8 hours	\$30.65	\$245.20
Review of 2-4 Courses	2 hours	\$30.65	\$61.30
Education Committee Review	2 hours	\$30.65	\$61.30
Program Relocation	3 hours	\$30.65	\$91.95
Program Relocation Report	2 hours	\$30.65	\$61.30

## TRAVEL EXPENSES

The board is unable to determine the exact amount of travel expenses associated with this rule due to the various geographic locations throughout the state, however, for the purposes of this fiscal note the board estimates the following average travel expenses to conduct one (1) site visit.

Mileage (average 240 miles round trip @ \$0.415)	\$99.60
Lodging (\$96 per night/1 night)	\$96
Meals (\$44 per day/2 days)	\$88
	<b>\$284</b>

## IV. ASSUMPTIONS

1. All programs are affected by the rule but not all programs submit any sort of change each year and there are some who haven't submitted any change within the last 5 years. Only 2-3 professional nursing programs a year submit curricular revisions while request for a change in number of students that can be enrolled may be about 2 programs a year. Four professional programs have relocated within the last 5 years so that averages to one per year. Two programs have requested to do pilot projects over the past 5 years.
2. It is anticipated that the total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

NOTE: The public fiscal note for this rule only reflects the cost for this particular process. However, private entity fees are set at an amount to cover the total actual cost incurred by the office, which includes personal service, expense and equipment and transfers.



## PRIVATE ENTITY FISCAL NOTE

### I. RULE NUMBER

**Title 20 - Department of Insurance, Financial Institutions and Professional Registration**  
**Division 2200 - State Board of Nursing**  
**Chapter 2 - Approved Programs of Professional Nursing**  
**Proposed Rule - 20 CSR 2200-2.040 Program Changes Requiring Board Approval, Notification or Both**

Prepared December 28, 2006

### II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the amendment by affected entities during first year of implementation:
30-150	Program (Submission of Request for Revision @ \$.50)	\$15.00-\$75.00
30-150	Program (Postage @ \$.39)	\$12.00-\$59.00
<b>Estimated Cost of Compliance</b>		<b>\$27.00-\$134.00</b>

### III. WORKSHEET

### IV. ASSUMPTIONS

1. The professional nursing programs are located in public and private educational institutions which vary greatly in size. Admissions to the programs varies from 30-150 per year. The cost to the program varies greatly with the size of the program and type of request submitted.
2. A dollar amount for a request is difficult to determine, as it is largely dependent upon the type of request submitted. The process to increase the number of students generally would be less costly than those associated with relocation. The size of the sponsoring institution of the nursing program and the organizational structure via which requests are internally approved prior to submission to the board is another factor that differs from program to program.

3. A curriculum change may vary from altering two courses and/or changing the number of credit hours to a comprehensive revision of the nursing curriculum, including the philosophy/mission and graduate competencies. Thus, the amount of time required of faculty to accomplish the task would greatly differ. A pilot program/project could involve working with another agency so that parties other than program faculty and administration are involved and perhaps contractual agreements are necessary. Relocation may vary from moving within a building or from one location to another on campus to moving to an entire different geographic area in the city in which the program is located.
4. The program will have the expense involved in writing and making copies of the request as well as postage. This will be determined by the specific request and delivery method. The board does provide the program with forms for requests for change in enrollment and relocation but the program may need or choose to provide additional information.
5. It is anticipated that the total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2200—State Board of Nursing  
Chapter 2—Minimum Standards for Approved  
Programs of Professional Nursing**

**PROPOSED RESCISSION**

**20 CSR 2200-2.050 Organization and Administration of an Approved Program of Professional Nursing.** This rule defined the organization and administration of an approved program of professional nursing.

*PURPOSE:* This rule is being rescinded and readopted to reflect current terminology and education practices and clarify the issue of faculty governance.

*AUTHORITY:* sections 335.036 and 335.071, RSMo 2000. This rule originally filed as 4 CSR 200-2.050. This version of rule filed April 20, 1973, effective May 1, 1973. For intervening history, please consult the **Code of State Regulations**. Rescinded: Filed April 17, 2007.

*PUBLIC COST:* This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075 or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2200—State Board of Nursing  
Chapter 2—Minimum Standards for Approved  
Programs of Professional Nursing**

**PROPOSED RULE**

**20 CSR 2200-2.050 Organization and Administration of an Approved Program of Professional Nursing**

*PURPOSE:* This rule defines the organization and administration of an approved program of professional nursing.

(1) Philosophy/mission of the program shall be in writing and shall be consistent with the philosophy/mission statement of the sponsoring institution.

(2) Graduate competencies shall be derived from the program's philosophy/mission.

(3) The philosophy/mission and the graduate competencies shall be the basis on which the curriculum is developed.

(4) There will be a faculty governance structure with responsibility for the nursing curriculum and the admission, progression and graduation of students.

(A) Meetings shall be scheduled at stated intervals.

(B) Written minutes of all meetings shall be maintained.

(5) The program shall have a current organizational chart(s) illustrating the relationship of the program to the sponsoring institution and the faculty structure within the nursing program.

(6) Finance.

(A) There shall be an annual budget to support the program.

(B) The administrator of the program shall manage the budget.

(C) The administrator, with input from the faculty, shall make recommendations for the budget.

(7) Clerical Assistance. Each program shall have secretarial and other support services sufficient to meet the needs of the program.

*AUTHORITY:* sections 335.036 and 335.071, RSMo 2000. This rule was originally filed as 4 CSR 200-2.050. This version of rule filed April 20, 1973, effective May 1, 1973. For intervening history, please consult the **Code of State Regulations**. Rescinded and readopted: Filed April 17, 2007.

*PUBLIC COST:* This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rule will cost private entities approximately seventy thousand dollars (\$70,000) to one hundred three thousand dollars (\$103,000) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rule with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075 or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**PRIVATE ENTITY FISCAL NOTE****I. RULE NUMBER****Title 20 - Department of Insurance, Financial Institutions and Professional Registration****Division 2200 - State Board of Nursing****Chapter 2 - Approved Programs of Professional Nursing****Proposed Rule - 20 CSR 2200-2.050 Organization and Administration**

Prepared December 28, 2006

**II. SUMMARY OF FISCAL IMPACT**

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the amendment by affected entities during first year of implementation:
1	Program (Secretarial Salary @ \$20,000-\$38,000)	\$20,000-\$28,000
1	Program (Financial Aid Personnel/Officers @ \$30,000-\$45,000)	\$30,000-\$45,000
1	Program (Admissions/Recruitment Personnel @ \$20,000-\$30,000)	\$20,000-\$30,000
<b>Estimated Annual Cost of Compliance</b>		<b>\$70,000- \$103,000</b>

**III. WORKSHEET****IV. ASSUMPTIONS**

- Salaries will vary according to location within the state; the number of programs offered by the sponsoring institution; and large universities as compared with small community colleges or private/proprietary colleges. The salary for secretary for the program may range from \$20,000 to \$38,000. The salaries for recruitment/admissions and financial aid personnel are often shared with other programs offered by the sponsoring institution and the nursing program would be responsible for a portion of the salary which could range from \$20,000 to \$30,000. Financial Aid personnel/officers may earn \$30,000 to \$45,000.
- The estimate shown represents the amount a program can expect to pay per full time employee excluding fringe benefits.
- It is anticipated that the total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2200—State Board of Nursing  
Chapter 2—Minimum Standards for Approved  
Programs of Professional Nursing**

**PROPOSED RESCISSION**

**20 CSR 2200-2.060 Administrator/Faculty.** This rule defined the categories, qualifications and competencies, responsibilities, and employment policies of administrator/faculty.

*PURPOSE: This rule is being rescinded and readopted to more specifically define the qualifications and responsibilities of the program administrator and faculty and to reorganize the text of the rule.*

*AUTHORITY: section 335.036, RSMo Supp. 1997. This rule originally filed as 4 CSR 200-2.060. This version of rule filed April 20, 1973, effective May 1, 1973. For intervening history, please consult the Code of State Regulations. Rescinded: Filed April 17, 2007.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075 or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2200—State Board of Nursing  
Chapter 2—Minimum Standards for Approved  
Programs of Professional Nursing**

**PROPOSED RULE**

**20 CSR 2200-2.060 Administrator/Faculty**

*PURPOSE: This rule defines the categories, qualifications and competencies, responsibilities, and employment policies of administrator/faculty.*

**(1) Program Administrator.**

(A) The administrator shall have the primary responsibility and the authority for the administration of the nursing program and shall be employed full-time.

**(B) Criteria for Appointment:**

1. Current undisciplined license to practice professional nursing in Missouri;
2. Graduate degree in nursing with a clinical component in either the bachelor's or master's degree;
3. Academically and experientially qualified and maintains expertise in area of responsibility; and
4. Approved by the board prior to appointment.

**(2) Nursing Faculty.**

(A) Nurse faculty shall have responsibility for developing, implementing, and evaluating the nursing program.

**(B) Criteria for Appointment:**

1. Current undisciplined license to practice professional nursing in Missouri;

**2. Educational requirements:**

A. Nursing faculty teaching in associate degree or diploma programs shall have a minimum of a baccalaureate degree in nursing with a clinical component. A graduate degree in nursing is recommended; and

B. Nursing faculty teaching in baccalaureate programs shall have a minimum of a graduate degree. Seventy-five percent (75%) of faculty shall have a graduate degree with major in nursing. Faculty without a nursing major in their graduate degree shall have a bachelor's degree in nursing with a clinical component;

3. Academically and experientially qualified and maintain expertise in areas of responsibility; and

4. Approved by the board prior to appointment.

**(3) Responsibilities.** The administrator and faculty of the program shall be responsible for, but not limited to:

(A) Compliance with minimum standards;

(B) Ongoing systematic development, implementation and evaluation of the total program in relation to stated philosophy/mission and graduate competencies of the program;

(C) Instruction and evaluation of students;

(D) Providing input on program related policies regarding recruitment, admission, retention, promotion and graduation of students;

(E) Availability of academic advisement and guidance of students;

(F) Maintenance of student records in compliance with institutional policy;

(G) Ensuring confidentiality of student records;

(H) Maintenance of clinical and educational competencies in areas of instructional responsibilities. Professional competence activities may include nursing practice, continuing education, writing for publication and/or participation in professional associations; and

(I) Participation in the development of program and institutional policies and decision making.

**(4) Minimum Number of Faculty.** One (1) full-time nursing faculty in addition to the program administrator with sufficient faculty to achieve the objectives of the educational program and such number shall be reasonably proportionate to: number of students enrolled; frequency of admissions; education and experience of faculty members; number and location of clinical sites; and total responsibilities of the faculty.

**(5) Faculty workload** shall allow time for class and laboratory preparation, instruction, program evaluation, and professional development.

**(6) Non-nurse faculty** shall have professional preparation and qualifications in the specific areas for which they are responsible.

**(7) Employment Policies.**

(A) To the extent required by law, age, marital status, sex, national origin, race, color, creed, disability and religion shall not be determining factors in employment.

**(B) Nursing Program.**

1. Personnel policies shall be available in writing and consistent with the sponsoring institution.

2. Position descriptions shall be in writing and shall detail the responsibilities and functions for each position.

3. A planned orientation shall be in writing and implemented. It shall include review of the Missouri Nursing Practice Act (NPA).

*AUTHORITY: section 335.036, RSMo 2000. This rule originally filed as 4 CSR 200-2.060. This version of rule filed April 20, 1973, effective May 1, 1973. For intervening history, please consult the Code of State Regulations. Rescinded and readopted: Filed April 17, 2007.*

*PUBLIC COST:* This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rule will cost private entities approximately ninety-four thousand dollars (\$94,000) to two hundred forty-five thousand dollars (\$245,000) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rule with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075 or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**PRIVATE ENTITY FISCAL NOTE**

**I. RULE NUMBER**

**Title 20 - Department of Insurance, Financial Institutions and Professional Registration**

**Division 2200 - State Board of Nursing**

**Chapter 2 - Approved Programs of Professional Nursing**

**Proposed Rule - 20 CSR 2200-2.060 Administrator/Faculty**

**Prepared December 28, 2006**

**II. SUMMARY OF FISCAL IMPACT**

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the amendment by affected entities during first year of implementation:
1	Program (Program Administrator @ \$50,000-\$125,000)	\$50,000-\$125,000
1	Program (Faculty @ \$44,000-\$120,000)	\$44,000-\$120,000
Estimated Annual Cost of Compliance		<b>\$94,000- \$245,000</b>

**III. WORKSHEET**

**IV. ASSUMPTIONS**

1. Professional nursing program administrators and faculty salaries will vary according to the geographic location of the program. In college and university settings, salaries also vary as to the category of the individual such as Assistant, Associate, or Full Professor and also may be tied in with tenure. For program administrators, salaries may range from \$50,000 to \$125,000 and for faculty \$44,000 to \$120,000. These would not be new costs to an established program.
2. The estimate shown represents the amount a program can expect to pay per full time employee excluding fringe benefits.
3. It is anticipated that the total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.



**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2200—State Board of Nursing  
Chapter 2—Minimum Standards for Approved  
Programs of Professional Nursing**

**PROPOSED RESCISSION**

**20 CSR 2200-2.070 Physical Facilities.** This rule defined the physical facilities and resources required by professional nursing programs.

*PURPOSE: This rule is being rescinded and readopted to be consistent with current library practices and other required resources.*

*AUTHORITY: section 335.036, RSMo Supp. 1997. This rule originally filed as 4 CSR 200-2.070. This version of rule filed April 20, 1973, effective May 1, 1973. For intervening history, please consult the Code of State Regulations. Rescinded: Filed April 17, 2007.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075 or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2200—State Board of Nursing  
Chapter 2—Minimum Standards for Approved  
Programs of Professional Nursing**

**PROPOSED RULE**

**20 CSR 2200-2.070 Physical Facilities**

*PURPOSE: This rule defines the physical facilities and resources required by professional nursing programs.*

**(1) Office Space and Equipment.**

(A) The institution shall provide space and equipment to fulfill the purpose of the program.

(B) The administrator of the program shall have a private office.

(C) The coordinator(s) and faculty shall have office space sufficient to carry out responsibilities of their respective positions.

(D) Private areas shall be provided for faculty/student conferences.

**(2) Library.**

(A) Each program and each campus of each program shall have access to library resources with the following:

1. Quiet area designated for study; and

2. Current and available resources to meet the educational needs of the students and the instructional and scholarly activities of the faculty.

(B) Management of library resources shall include:

1. Budget for acquisition of printed and multi-media material;

2. System for identifying or deleting outdated resources; and

3. Policies and procedures governing the administration and the use of the library resources shall be in writing and available to students and faculty.

**(3) Classrooms.**

(A) Classrooms shall be of size, number and type for the number of students and teaching methodology.

(B) Classrooms shall have climate control, ventilation, lighting, seating, furnishings, and equipment conducive to learning.

(C) Storage space shall be available for equipment and supplies.

**(4) Clinical Skills Laboratory.**

(A) Each program and each campus of each program shall have a clinical skills laboratory sufficient to meet learning outcomes.

(B) Management of clinical skills laboratory shall include:

1. Budget allocation for equipment and supplies;

2. Plan for acquisition and maintenance of equipment and supplies; and

3. Policies and procedures governing the administration and the use of the clinical skills laboratory. These policies and procedures shall be in writing and available to students and faculty.

**(5) Technology Resources/Computers.**

(A) Each program and each campus of each program shall have access to current and available resources to meet the educational needs of the students and the instructional and scholarly activities of the faculty.

(B) Management of technology resources shall include:

1. Budget for acquisition of current technology, including computers;

2. System for identifying, deleting and/or replacing resources; and

3. Policies and procedures governing the administration and the use of the technology/computers. These policies and procedures shall be in writing and available to students and faculty.

*AUTHORITY: section 335.036, RSMo 2000. This rule originally filed as 4 CSR 200-2.070. This version of rule filed April 20, 1973, effective May 1, 1973. For intervening history, please consult the Code of State Regulations. Rescinded and readopted: Filed April 17, 2007.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will cost private entities approximately twenty-five thousand nine hundred ten dollars (\$25,910) per program for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075 or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**PRIVATE ENTITY FISCAL NOTE**

**I. RULE NUMBER**

**Title 20 - Department of Insurance, Financial Institutions and Professional Registration**

**Division 2200 - State Board of Nursing**

**Chapter 2 - Approved Programs of Professional Nursing**

**Proposed Rule - 20 CSR 2200-2.070 Physical Facilities**

**Prepared December 28, 2006**

**II. SUMMARY OF FISCAL IMPACT**

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the amendment by affected entities during first year of implementation:
1	Program (Physical Facility Expenses @ \$25,910 per program)	\$25,910
Estimated Annual Cost of Compliance		\$25,910 per program

**III. WORKSHEET**

**IV. ASSUMPTIONS**

IT Line Installation	\$400
Manikins/Learning Lab Simulators	\$22,100
Vital Sign/Assessment Tools	\$400
Otoscope/Ophthalmoscope Set	\$260
Crutches/Gait Belts	\$50
Miscellaneous Supplies	\$200
Resource Materials	\$500
Promotional Publications	\$2,000
	<u>\$25,910</u>

The following items were included in the breakdown of supplies needed from the school surveyed and were donated to the program. Therefore, should the following items require purchase, the fiscal impact could vary.

Learning Lab Beds/Furniture  
Office Furniture  
Student Tables  
ITV Equipment  
Faculty Computers  
Student Computers

1. It is anticipated that the total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2200—State Board of Nursing  
Chapter 2—Minimum Standards for Approved  
Programs of Professional Nursing**

**PROPOSED RESCISSION**

**20 CSR 2200-2.080 Clinical Sites.** This rule defined selection and use of clinical sites by the program for required student clinical learning experiences.

*PURPOSE:* This rule is being rescinded and readopted to eliminate confusion for the terms “observation,” “participatory observation” and “direct care” and eliminates the requirement for clinical sites to be approved by the board.

*AUTHORITY:* section 335.036, RSMo Supp. 1997. This rule originally filed as 4 CSR 200-2.080. This version of rule filed April 20, 1973, effective May 1, 1973. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed April 17, 2007.

*PUBLIC COST:* This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075 or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2200—State Board of Nursing  
Chapter 2—Minimum Standards for Approved  
Programs of Professional Nursing**

**PROPOSED RULE**

**20 CSR 2200-2.080 Clinical Sites**

*PURPOSE:* This rule defines selection and use of clinical sites by the programs of professional nursing for required student clinical learning experiences.

(1) Clinical sites shall be selected which will provide direct care and observational learning experiences to meet the objectives of the course.

(2) Observational experiences shall provide learning experiences to meet the course objectives and shall not exceed twenty percent (20%) of the total clinical program hours. Orientation to the facility does not contribute to the twenty percent (20%).

(3) Clinical sites for each course or clinical experience shall be listed in the annual survey.

(4) Each program shall have written evidence of an agreement with each clinical site which includes time frames for a notification of termination and periodic review.

(5) There shall be evidence of clinical orientation for each nursing course with a clinical component.

*AUTHORITY:* section 335.036, RSMo 2000. This rule originally filed as 4 CSR 200-2.080. This version of rule filed April 20, 1973, effective May 1, 1973. For intervening history, please consult the *Code of State Regulations*. Rescinded and readopted: Filed April 17, 2007.

*PUBLIC COST:* This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rule with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075 or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2200—State Board of Nursing  
Chapter 2—Minimum Standards for Approved  
Programs of Professional Nursing**

**PROPOSED RESCISSION**

**20 CSR 2200-2.085 Preceptors.** This rule defined the utilization of preceptors.

*PURPOSE:* The board is proposing to rescind and readopt this rule to reorganize the text of the rule.

*AUTHORITY:* section 335.036, RSMo Supp. 1997. This rule originally filed as 4 CSR 200-2.085. Original rule filed May 4, 1993, effective March 10, 1994. Amended: Filed Aug. 6, 1998, effective Feb. 28, 1999. Moved to 20 CSR 2200-2.085, effective Aug. 28, 2006. Rescinded: Filed April 17, 2007.

*PUBLIC COST:* This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075 or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2200—State Board of Nursing  
Chapter 2—Minimum Standards for Approved  
Programs of Professional Nursing**

**PROPOSED RULE**

**20 CSR 2200-2.085 Preceptors**

*PURPOSE: This rule defines the utilization of preceptors.*

(1) Preceptors may be used as role models, mentors and supervisors of students in professional nursing programs—

(A) Preceptors do not replace faculty in the education of the student but serve to assist faculty and the student in achieving designated objectives of a nursing course;

(B) Preceptors are not to be considered when determining the faculty to student ratio;

(C) Preceptors shall not be used in fundamentals of nursing courses; and

(D) Preceptors shall supervise no more than two (2) students at a time.

(2) Each nursing program shall have written policies for the use of preceptors which incorporate the criteria listed in this rule.

(3) Responsibilities of the nursing program faculty in regards to utilization of preceptors shall include:

(A) Select the preceptor in collaboration with the clinical site;

(B) Provide the preceptor with information as to the duties, roles and responsibilities of the faculty, the student and the preceptor including the communication processes;

(C) Provide the preceptor a copy of the objectives of the course in which the student is enrolled and directions for assisting the student to meet objectives specific to the clinical experience;

(D) Assume responsibility for each student's final evaluation and the assigning of a performance rating or grade; and

(E) Identify the use of preceptors in the program's annual survey.

(4) Responsibilities of the preceptor shall include:

(A) Possess current license to practice as a registered professional nurse with at least one (1) year experience in the area of clinical specialty for which the preceptor is used;

(B) Perform the responsibilities as determined by the nursing program; and

(C) Provide written documentation to faculty regarding the student's performance in relation to meeting designated course objectives.

*AUTHORITY: section 335.036, RSMo 2000. This rule originally filed as 4 CSR 200-2.085. Original rule filed May 4, 1993, effective Feb. 28, 1994. For intervening history, please consult the Code of State Regulations. Rescinded and readopted: Filed April 17, 2007.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075 or via email at nursing@pr.mo.gov. To be considered, comments must be received with-*

*in thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2200—State Board of Nursing  
Chapter 2—Minimum Standards for Approved  
Programs of Professional Nursing**

**PROPOSED RESCISSION**

**20 CSR 2200-2.090 Students.** This rule defined the admission, readmission and transfer processes and services provided to students.

*PURPOSE: This rule is being rescinded and readopted to delete extraneous wording and rephrase text of the rule to be consistent with current educational practices.*

*AUTHORITY: section 335.036, RSMo Supp. 1997. This rule originally filed as 4 CSR 200-2.090. This version of rule filed April 20, 1973, effective May 1, 1973. For intervening history, please consult the Code of State Regulations. Rescinded: Filed April 17, 2007.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075 or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2200—State Board of Nursing  
Chapter 2—Minimum Standards for Approved  
Programs of Professional Nursing**

**PROPOSED RULE**

**20 CSR 2200-2.090 Students**

*PURPOSE: This rule defines admission, readmission, and transfer criteria and services provided students.*

(1) Admission, Readmission and Transfer.

(A) The educational program shall comply with the state and federal laws regarding discrimination in the admission of students.

(B) Policies for admission, readmission, transfer and advanced placement shall be written, implemented and evaluated by the faculty.

(C) Admission criteria shall reflect consideration of:

1. Potential to complete the program; and

2. Ability to meet the standards to apply for licensure (see sections 335.046.1 and 335.066, RSMo).

(D) Students who are readmitted or transferred shall complete the same requirements for graduation as other members of the class to which they are admitted.



(E) The board shall approve the maximum number of students enrolled in each program. The criteria for approval of the maximum number will be based on:

1. Availability of qualified faculty;
2. Available clinical experiences; and
3. Educational facility's ability to accommodate students.

(2) Students for whom English is a second language shall meet the same general admission requirements as other students.

(3) Student Services.

(A) Housing. If the school provides housing for students, there shall be written policies governing the facilities.

(B) Health. If the school provides health services for students, there shall be information available regarding a process for accessing and obtaining health care.

(C) Academic Advisement and Financial Aid Services. Academic advisement and financial aid services shall be accessible to all students.

(D) Grievance Procedure. Policies and procedures which afford students due process shall be available for managing academic and nonacademic grievances. Due process for student grievances shall include the providing of written notice of all decisions affecting an individual student, an opportunity for the student to contest those decisions either in writing or in person, the opportunity to contest facts serving as the basis for the decisions and the opportunity to appeal the decisions to a level higher than the original decision-maker.

**AUTHORITY:** section 335.036, RSMo 2000. This rule originally filed as 4 CSR 200-2.090. This version of rule filed April 20, 1973, effective May 1, 1973. For intervening history, please consult the *Code of State Regulations*. Rescinded and readopted: Filed April 17, 2007.

**PUBLIC COST:** This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rule with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075 or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

## Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

### Division 2200—State Board of Nursing Chapter 2—Minimum Standards for Approved Programs of Professional Nursing

#### PROPOSED RESCISSION

**20 CSR 2200-2.100 Educational Program.** This rule defined the curriculum organization and development, curriculum plan and requirements for programs of professional nursing.

**PURPOSE:** This rule is being rescinded and readopted to reorganize the text of the rule and include criteria for distance education.

**AUTHORITY:** section 335.036, RSMo Supp. 1997. This rule originally filed as 4 CSR 200-2.100. This version of rule filed April 20, 1973, effective May 1, 1973. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed April 17, 2007.

**PUBLIC COST:** This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rescission with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075 or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

## Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

### Division 2200—State Board of Nursing Chapter 2—Minimum Standards for Approved Programs of Professional Nursing

#### PROPOSED RULE

#### 20 CSR 2200-2.100 Educational Program

**PURPOSE:** This rule defines the educational program, curriculum plan and requirements and distance education requirements for programs of professional nursing.

(1) General Purpose.

(A) The program shall have a philosophy/mission which guides the curriculum practices.

(B) Graduate competencies shall be derived from the philosophy/mission of the program.

(C) The educational program shall provide planned learning experiences essential to the achievement of the stated philosophy/mission and graduate competencies and shall demonstrate logical progression.

(2) Curriculum Organization and Development.

(A) The nursing faculty shall have the authority and the responsibility to develop, implement, and evaluate the curriculum.

(B) There shall be a written curriculum plan which reflects the program's philosophy/mission and objectives and shall be logically consistent between and within courses.

(C) The curriculum shall be planned so that the number of hours/credits/units of instruction are distributed between theory and clinical hours/credits/units to permit achievement of graduate competencies and program outcomes.

(D) Curriculum shall be planned so that each division of the curriculum (whether it be a quarter, term or semester) has a reasonably equal number of credit hours of instruction and has a beginning and ending date.

(E) The number of credit hours required for completion of the nursing program shall not exceed the number of credit hours required for a comparable degree program.

(F) Student learning experiences shall be directed and evaluated by faculty and be consistent with the curriculum plan.

(3) Curriculum Requirements. There shall be a general written plan for the total curriculum which will show the courses taught, sequence, correlation and integration of classroom and clinical instruction. Content may be developed as a separate course or integrated. Integrated concepts shall be evident in the course objectives. Instruction will be provided in the following areas:

- (A) Biological and physical sciences;
- (B) Behavioral and social sciences; and

(C) Nursing courses shall include content reflecting concepts across the life span in—

1. Growth and development;
2. Prevention of illness;
3. Promotion, maintenance, and restoration of health;
4. Communications; and
5. Legal and ethical aspects of nursing.

(4) Syllabi shall be current and available to all faculty and students and include:

- (A) The objectives of each course;
- (B) The teaching/learning strategies to be used; and
- (C) Evaluation methodologies.

(5) Distance Education. Courses/programs of study that utilize distance education shall have—

- (A) A course management/delivery platform that is reliable and navigable for students and faculty;
- (B) Budgetary support;
- (C) Collaborative and interactive learning activities that assist the student in achieving course objectives;
- (D) Clinical courses must be faculty directed and include direct patient care activities;
- (E) Learning resources including library access;
- (F) Technical support services for faculty and students;
- (G) Access to appropriate and equivalent student services;
- (H) Faculty and student input into the evaluation process; and
- (I) Recurring interaction between faculty and students.

**AUTHORITY:** section 335.036, RSMo 2000. This rule originally filed as 4 CSR 200-2.100. This version of rule filed April 20, 1973, effective May 1, 1973. For intervening history, please consult the *Code of State Regulations*. Rescinded and readopted: Filed April 17, 2007.

**PUBLIC COST:** This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rule with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075 or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2200—State Board of Nursing  
Chapter 2—Minimum Standards for Approved  
Programs of Professional Nursing**

**PROPOSED RESCISSION**

**20 CSR 2200-2.110 Records.** This rule defined records required to be kept by programs of professional nursing.

**PURPOSE:** This rule is being rescinded and readopted to allow more flexibility as to storage of student records to include microfiche and computer files.

**AUTHORITY:** sections 335.036 and 335.071, RSMo 2000. This rule originally filed as 4 CSR 200-2.110. This version of rule filed April

20, 1973, effective May 1, 1973. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed April 17, 2007.

**PUBLIC COST:** This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rescission with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075 or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2200—State Board of Nursing  
Chapter 2—Minimum Standards for Approved  
Programs of Professional Nursing**

**PROPOSED RULE**

**20 CSR 2200-2.110 Records**

**PURPOSE:** This rule defines student records required to be kept by programs of professional nursing.

(1) Transcripts.

(A) Transcripts of all courses attempted or completed by each student attending the program shall be maintained permanently.

(B) The official transcript shall identify the following:

1. Date of admission, date of separation from the program and hours/credits/units earned and the diploma/degree awarded; and
2. Transferred credits, including course titles, credits earned, and the name and location of the credit-granting institution.

(C) Transcripts, including microfiche and computer files, shall be stored in a secured area.

(2) School Records.

(A) Student records shall be stored in an area which is theft resistant and where confidentiality can be ensured and according to sponsoring institution policies for secure storage of records.

(B) The nursing program shall maintain records as required by institutional and nursing program policies.

**AUTHORITY:** sections 335.036 and 335.071, RSMo 2000. This rule originally filed as 4 CSR 200-2.110. This version of rule filed April 20, 1973, effective May 1, 1973. For intervening history, please consult the *Code of State Regulations*. Rescinded and readopted: Filed April 17, 2007.

**PUBLIC COST:** This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed rule will cost private entities approximately two thousand dollars (\$2,000) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075 or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*



**PRIVATE ENTITY FISCAL NOTE**

**I. RULE NUMBER**

**Title 20 - Department of Insurance, Financial Institutions and Professional Registration**

**Division 2200 - State Board of Nursing**

**Chapter 2 - Approved Programs of Professional Nursing**

**Proposed Rule - 20 CSR 2200-2.110 Records**

Prepared December 28, 2006

**II. SUMMARY OF FISCAL IMPACT**

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the amendment by affected entities during first year of implementation:
1	Program (locked, fire resistant cabinet 2 drawer @ \$800)	\$800.00
1	Program (locked, fire resistant cabinet 4 drawer @ \$1200)	\$1,200.00
Estimated Annual Cost of Compliance		\$2,000.00

**III. WORKSHEET**

**IV. ASSUMPTIONS**

1. The estimate above is what a program can expect to pay per item.
2. It is anticipated that the total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2200—State Board of Nursing  
Chapter 2—Minimum Standards for Approved  
Programs of Professional Nursing**

**PROPOSED RESCISSION**

**20 CSR 2200-2.120 Publications.** This rule defined what was to be included in publications published by programs of professional nursing.

*PURPOSE:* This rule is being rescinded and readopted to allow for information to be available to applicants and students in various formats.

*AUTHORITY:* sections 335.036 and 335.071, RSMo 2000. This rule originally filed as 4 CSR 200-2.120. This version of rule filed April 20, 1973, effective May 1, 1973. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed April 17, 2007.

*PUBLIC COST:* This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075 or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2200—State Board of Nursing  
Chapter 2—Minimum Standards for Approved  
Programs of Professional Nursing**

**PROPOSED RULE**

**20 CSR 2200-2.120 Publications**

*PURPOSE:* This rule defines what must be included in publications published by programs of professional nursing.

- (1) Publications shall be current, dated and internally consistent.
- (2) A nondiscrimination policy shall appear in publications specific to the nursing program.
- (3) The following information shall be available to the applicant prior to admission:
  - (A) Approval status as granted by the board (initial, full or conditional approval status);
  - (B) Admission criteria;
  - (C) Section 335.066, RSMo of the Missouri Nursing Practice Act with an explanation that completion of the program does not guarantee eligibility to take the licensure examination;
  - (D) Advanced placement policies;
  - (E) Student services;
  - (F) Curriculum plan;

- (G) Program costs;
- (H) Refund policy; and
- (I) Financial assistance.

(4) The following information shall be available to the student upon entry:

- (A) Philosophy/mission;
- (B) Graduate competencies;
- (C) Grading, promotion and graduation policies;
- (D) Faculty roster with qualifications;
- (E) School calendar;
- (F) Student policies;
- (G) Student's rights and responsibilities; and
- (H) Due process policies and procedures.

*AUTHORITY:* sections 335.036 and 335.071, RSMo 2000. This rule originally filed as 4 CSR 200-2.120. This version of rule filed April 20, 1973, effective May 1, 1973. For intervening history, please consult the *Code of State Regulations*. Rescinded and readopted: Filed April 17, 2007.

*PUBLIC COST:* This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rule with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075 or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2200—State Board of Nursing  
Chapter 2—Minimum Standards for Approved  
Programs of Professional Nursing**

**PROPOSED RESCISSION**

**20 CSR 2200-2.130 Evaluations.** This rule provided for evaluation of the professional nursing program by students and faculty.

*PURPOSE:* This rule is being rescinded and readopted to specify a time frame for graduates to evaluate the nursing program and text of the rule is being amended to provide better clarity.

*AUTHORITY:* section 335.036, RSMo Supp. 1997. This rule originally filed as 4 CSR 200-2.130. This version of rule filed April 20, 1973, effective May 1, 1973. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed April 17, 2007.

*PUBLIC COST:* This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656,

Jefferson City, MO 65102, by fax at (573) 751-0075 or via email at [nursing@pr.mo.gov](mailto:nursing@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2200—State Board of Nursing  
Chapter 2—Minimum Standards for Approved  
Programs of Professional Nursing**

**PROPOSED RULE**

**20 CSR 2200-2.130 Program Evaluation**

*PURPOSE:* This rule provides for evaluation of the professional nursing program by students and faculty.

(1) There shall be a written plan for systematic evaluation of all aspects of the program. The plan shall include:

- (A) Frequency of evaluation;
- (B) Methods of evaluation; and
- (C) Person(s) responsible for the evaluation.

(2) The systematic evaluation plan provides for the evaluation of the following:

- (A) Clinical sites by students and faculty;
- (B) Course and faculty by students;
- (C) Students and faculty by representatives of clinical site(s); and
- (D) Program preparation for nursing employment by graduate nurses, six (6) months or more, after graduation.

(3) Documentation shall indicate that the systematic evaluation plan has been utilized in the planning and improvement of the program.

*AUTHORITY:* section 335.036, RSMo 2000. This rule originally filed as 4 CSR 200-2.130. This version of rule filed April 20, 1973, effective May 1, 1973. For intervening history, please consult the *Code of State Regulations*. Rescinded and readopted: Filed April 17, 2007.

*PUBLIC COST:* This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rule with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075 or via email at [nursing@pr.mo.gov](mailto:nursing@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2200—State Board of Nursing  
Chapter 2—Minimum Standards for Approved  
Programs of Professional Nursing**

**PROPOSED RESCISSION**

**20 CSR 2200-2.180 Licensure Examination Performance.** This rule defined the required examination pass rate for first time candidates.

*PURPOSE:* This rule is being rescinded and readopted to specify the time frame for calculating pass rates for first time candidates and to establish criteria for evaluation of a program's effectiveness.

*AUTHORITY:* sections 335.036(2), (3), (4), (5) and (6) and 335.071, RSMo 2000. This rule originally filed as 4 CSR 200-2.180. Original rule filed Sept. 1, 1998, effective Feb. 28, 1999. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed April 17, 2007.

*PUBLIC COST:* This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075 or via email at [nursing@pr.mo.gov](mailto:nursing@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2200—State Board of Nursing  
Chapter 2—Minimum Standards for Approved  
Programs of Professional Nursing**

**PROPOSED RULE**

**20 CSR 2200-2.180 Licensure Examination Performance**

*PURPOSE:* This rule defines the required examination pass rate for first time candidates and its impact on program approval.

(1) The licensure examination performance of first-time candidates from each professional nursing program shall be no less than eighty percent (80%) for each calendar year (January 1 through December 31).

(2) First-time candidates will include only those graduates of the program who take the licensure examination for the first time within one (1) year of graduation.

(3) The nursing program with a pass rate lower than eighty percent (80%) will:

- (A) First year—Provide the board with a report analyzing all aspects of the education program, identifying areas contributing to the unacceptable pass rate and plan of action to resolve low pass rate;
- (B) Second consecutive year—The program may be placed on conditional approval status. The program administrator will be required to appear before and present to the board an analysis of program effectiveness, problems identified, and plans of correction. Program effectiveness may include evidence of:

- 1. Class graduation rates;
- 2. National Council Licensure Examination for Registered Nurses (NCLEX-RN<sup>®</sup>) pass rates;
- 3. Student satisfaction;
- 4. Job placement rates; and

5. Employer satisfaction.

(C) The nursing program placed on conditional approval shall remain on "conditional approval" (as per 20 CSR 2200-2.010(6)) until it has two (2) consecutive years of pass rates of at least eighty percent (80%) or until the board removes approval pursuant to section 335.071.3, RSMo; and

(D) If, after two (2) years of conditional approval, a school has not demonstrated consistent measurable progress toward implementation of the correction plan the board will withdraw approval pursuant to section 335.071.3, RSMo.

*AUTHORITY: sections 335.036(2), (3), (4), (5) and (6) and 335.071, RSMo 2000. This rule originally filed as 4 CSR 200-2.180. Original rule filed Sept. 1, 1998, effective Feb. 28, 1999. For intervening history, please consult the **Code of State Regulations**. Rescinded and readopted: Filed April 17, 2007.*

*PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately three thousand four hundred eight dollars and eighty-four cents (\$3,408.84) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.*

*PRIVATE COST: This proposed rule will cost private entities approximately thirty-nine dollars and five cents (\$39.05) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075 or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

PUBLIC ENTITY FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2200 - State Board of Nursing

Chapter 2 - Approved Programs of Professional Nursing

Proposed Rule - 20 CSR 2200-2.180 Licensure Examination Performance

Prepared December 28, 2006

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
State Board of Nursing	Annual Cost of Compliance for the Life of the Rule \$3,408.84

III. WORKSHEET

PERSONAL SERVICE COSTS

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	TIME PER REPORT	COST PER REPORT	TOTAL COST
Education Administrator	\$45,384.00	\$63,750.90	\$30.65	2 hours	\$61.30	\$3,371.44
Total personal service costs						\$3,371.44

It is estimated that the following staff time will be devoted on each examination performance for the following duties:

Education Administrator/RN VI (2 hours) - Review examination report, prepare and mail correspondence to programs.

CLASSIFICATION	Fee Amount	Number in Class	AGGREGATE COST
Letter	\$0.15	55	\$8.25
Envelope	\$0.16	55	\$8.80
Postage	\$0.37	55	\$20.35
Total expense and equipment			\$37.40

III. WORKSHEET

IV. ASSUMPTIONS

- It is anticipated that the total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

NOTE: The public fiscal note for this rule only reflects the cost for this particular process. However, private entity fees are set at an amount to cover the total actual cost incurred by the office, which includes personal service, expense and equipment and transfers.



**PRIVATE ENTITY FISCAL NOTE****I. RULE NUMBER****Title 20 - Department of Insurance, Financial Institutions and Professional Registration****Division 2200 - State Board of Nursing****Chapter 2 - Approved Programs of Professional Nursing****Proposed Rule - 20 CSR 2200-2.180 Licensure Examination Performance**

Prepared December 28, 2006

**II. SUMMARY OF FISCAL IMPACT**

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the amendment by affected entities during first year of implementation:
55	Program (letterhead, envelope, and postage @ \$.71)	\$39.05
Estimated Annual Cost of Compliance		\$39.05

**III. WORKSHEET****IV. ASSUMPTIONS**

1. Faculty and program administrators may spend time to compose the report which would include assembling the needed information and perhaps conducting meetings to discuss the action needed to resolve the situation. If the program has a well written systematic evaluation plan in place, the information needed to write the report should be readily available.
2. It is anticipated that the total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2200—State Board of Nursing  
Chapter 3—Practical Nursing**

**PROPOSED RESCISSION**

**20 CSR 2200-3.001 Definitions.** This rule defined terms used in 20 CSR 2200 and throughout this chapter.

*PURPOSE: The board is proposing to rescind and readopt this rule in order to define a more inclusive list of terms related to the criteria for practical nursing programs.*

*AUTHORITY: sections 335.036 and 335.071, RSMo 2000. This rule originally filed as 4 CSR 200-3.001. Original rule filed March 25, 1993, effective Dec. 9, 1993. Amended: Filed Aug. 6, 1998, effective Feb. 28, 1999. Amended: Filed Dec. 1, 2000, effective May 30, 2001. Moved to 20 CSR 2200-3.001, effective Aug. 28, 2006. Rescinded: Filed April 17, 2007.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075 or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2200—State Board of Nursing  
Chapter 3—Minimum Standards for Approved Programs  
of Practical Nursing**

**PROPOSED RULE**

**20 CSR 2200-3.001 Definitions**

*PURPOSE: This rule defines terms used in 20 CSR 2200-3 and throughout this chapter.*

(1) When used in 20 CSR 2200-3, the following terms mean:

(A) Accredited—The official authorization or status granted by an agency for a program or sponsoring institution through a voluntary process;

(B) Administrator—Registered professional nurse with primary authority and responsibility for administration of the program regardless of job title;

(C) Approved—Recognized by the board as meeting or maintaining minimum standards for educational programs preparing practical nurses;

(D) Annual survey—Report submitted annually by the administrator of the program that updates information on file with the board and validates continuing compliance with minimum standards;

(E) Board—Missouri State Board of Nursing;

(F) Campus—A specific geographic program location with a distinct student body and coordinator at which all appropriate services

and facilities are provided;

(G) Certificate of approval—Document issued by the board to programs of nursing which have met minimum standards;

(H) Class—A discrete cohort of students admitted to a nursing program, designed to begin a course of study together on a specific date and to graduate together on a specific date;

(I) Clinical experience—Faculty planned and guided learning activities designed to meet course objectives or outcomes and to provide a nursing student with the opportunity to practice cognitive, psychomotor, and affective skills in the delivery of nursing care to an individual, group or community;

(J) Clinical skills laboratory—Designated area where skills and procedures can be demonstrated and practiced;

(K) Conditional approval—Status of a program that has failed to meet or maintain the regulations or requirements, or both, set by the board. This status is subject to the program conforming to the requirements and recommendations and within a time period set by the board;

(L) Cooperating agency—A corporation, hospital or other organization which has a written agreement with the program to provide clinical education opportunities;

(M) Coordinator—Registered professional nurse with authority and responsibility for a campus nursing program as delegated by the administrator of the nursing program;

(N) Course objectives—Measurable statements that guide experiences and activities that help learners meet established requirements for a specific course;

(O) Curriculum—Planned studies and learning activities designed to lead students to graduation and eligibility for application for licensure;

(P) Direct care—A clinical experience in which patient care is given by the student under the direction of the faculty member or preceptor;

(Q) Distance learning—Curriculum provided from a main campus location to another geographic location primarily through electronic or other technological methods;

(R) Endorsement—Process of acquiring licensure as a nurse based on original licensure by examination in another state, territory or country;

(S) Faculty—Individuals designated by sponsoring institution with responsibilities for development, implementation and evaluation of philosophy/mission, objectives and curriculum of nursing program;

(T) Full-time—Those individuals deemed by sponsoring institution to meet definition for full-time employment;

(U) Generic—Initial educational program in nursing leading to entry-level licensure;

(V) Governing body—Body authorized to establish and monitor policies and assume responsibility for the educational programs;

(W) Graduate competency—Individual graduate behaviors;

(X) Grievance policy and procedure—An established procedure for processing complaints; may also be known as a complaint procedure, due process, appeals procedure or problem resolution;

(Y) Initial approval—Status granted a program of practical nursing until full approval status is granted or denied;

(Z) Minimum standards—Criteria which nursing programs shall meet in order to be approved by the board;

(AA) Mission—Overall statement of purpose that faculty accept as valid and is directly related to curriculum practices;

(BB) Multiple campuses—Distinct and separate geographic locations offering the same program, providing the same services, and operated by the same sponsoring institution;

(CC) NCLEX-PN® examination—National Council Licensure Examination for Practical Nurses;

(DD) Objectives—Measurable statements describing anticipated outcomes of learning;

(EE) Observational experiences—Planned learning experiences designed to assist students to meet course objectives through observation;

(FF) Part-time—Individuals deemed by the sponsoring institution to meet the definition for part-time employment;

(GG) Philosophy—A composite of the beliefs that the faculty accept as valid and is directly related to curriculum practices;

(HH) Pilot program/project—Educational activity which has board approval for a limited time and which otherwise would be out of compliance with minimum standards;

(II) Preceptor—Registered professional or licensed practical nurse assigned to assist nursing students in an educational experience which is designed and directed by a faculty member;

(JJ) Program—Course of study leading to a diploma or certificate;

(KK) Program outcomes—Measurable statements defining aggregate student achievements;

(LL) Requirement—A mandatory condition that a school or program meets in order to comply with minimum standards;

(MM) Satellite location—A site geographically separate from but administered and served by a primary program campus;

(NN) Sponsoring institution—The institution that is financially and legally responsible for the nursing program;

(OO) Statement of need—Current evidence of need for professional and practical nurses and of community support;

(PP) Systematic evaluation plan—Written plan developed by faculty for comprehensive evaluation of all aspects of the program; and

(QQ) Written agreement—Formal memorandum of understanding or contract between a nursing education program and a cooperating agency, which designates each party's responsibilities for education of nursing students.

**AUTHORITY:** sections 335.036 and 335.071, RSMo 2000. This rule originally filed as 4 CSR 200-3.001. Original rule filed March 25, 1993, effective Dec. 9, 1993. For intervening history, please consult the *Code of State Regulations*. Rescinded and readopted: Filed April 17, 2007.

**PUBLIC COST:** This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rule with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075 or via email at [nursing@pr.mo.gov](mailto:nursing@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

## **Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION**

### **Division 2200—State Board of Nursing Chapter 3—Practical Nursing**

#### **PROPOSED RESCISSION**

**20 CSR 2200-3.010 Approval.** This rule defined accreditation in the minimum standards for accredited programs of practical nursing in Missouri.

**PURPOSE:** This rule is being rescinded and readopted to reorganize the contents of the rule.

**AUTHORITY:** sections 335.036 and 335.071, RSMo 2000. This rule originally filed as 4 CSR 200-3.010. Original rule filed Jan. 29, 1974, effective Feb. 8, 1974. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed April 17, 2007.

**PUBLIC COST:** This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rescission with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075 or via email at [nursing@pr.mo.gov](mailto:nursing@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

## **Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION**

### **Division 2200—State Board of Nursing Chapter 3—Minimum Standards for Approved Programs of Practical Nursing**

#### **PROPOSED RULE**

#### **20 CSR 2200-3.010 Approval**

**PURPOSE:** This rule defines the approval status and process for programs of practical nursing.

(1) Programs of practical nursing shall obtain approval from the board.

(2) Purposes of approval are—

(A) To promote the safe practice of practical nursing by setting minimum standards for programs preparing entry-level practical nurses;

(B) To assure that educational requirements for admission to the licensure examination have been met and to facilitate endorsement in other states, territories, countries, or any combination of these;

(C) To encourage continuing program improvement through assessment, evaluation and consultation; and

(D) To assist programs of practical nursing in developing and maintaining academic standards (didactic and clinical) that are congruent with current educational and nursing practice standards.

(3) Classification of Approval.

(A) Initial approval is the status granted a program of practical nursing until full approval is granted or denied.

(B) Full approval is the status granted a program of practical nursing after the program has graduated one (1) class and has met and continues to meet regulations or requirements.

(C) Conditional approval is the status of a program that has failed to meet or maintain the regulations or requirements set by the board.

(4) Initial Approval Status.

(A) Process for Obtaining Initial Status:

1. An institution desiring to establish a program of practical nursing shall submit a letter of intent to the board at least three (3) months prior to the submission of a proposal. The letter of intent must include: the mission statement of the sponsoring institution; type and length of the nursing program proposed; and tentative budget plans including evidence of financial resources adequate for planning, implementing, and continuing the nursing program. The board will make the letter of intent available to all programs of nursing in the state via its website;

2. Each sponsoring institution shall have only one (1) program proposal under consideration for initial approval at any one (1) time;

3. A program proposal shall be written and presented to the

board by the administrator of the proposed program. The proposal shall bear the signature of the administrator who shall meet the criteria in 20 CSR 2200-3.060(1)(B) and shall be active in the position on a full-time basis for at least nine (9) months and preferably one (1) year prior to the entry of the first class. Fourteen (14) copies of the proposal must be submitted with the required application fee. The proposal must be prepared following the reporting format and include each component as indicated in paragraph (4)(A)4. of this rule. Board approval of the proposal with or without contingencies must be obtained no later than six (6) months prior to the anticipated opening date;

4. A proposal submitted shall contain the following information:

A. Statement of need and feasibility study which includes:

(I) Documentation of the need for the nursing program including community and economic development need, rationale for why the program should be established, and documentation of employers' need for graduates of the proposed program;

(II) Number of professional nursing and practical nursing programs in the area and potential impact on those nursing programs;

(III) Number and source of anticipated student population;

(IV) Letters of support for the proposed nursing program;

and

(V) Source of potential qualified faculty;

B. Curriculum.

(I) Philosophy/mission.

(II) Graduate competencies.

(III) Curriculum sequence.

(IV) Course descriptions and objectives with number of credit hours or clock hours for all courses;

C. Students.

(I) Maximum number of students per class.

(II) Number of classes admitted per year.

(III) Number of students anticipated in initial class.

(IV) Plan for increase to maximum enrollment.

(V) Admission criteria.

(VI) Plans for progression and retention of students.

(VII) Formal complaint procedure.

(VIII) Availability of student services and personnel;

D. Faculty.

(I) Number of full-time and part-time faculty.

(II) Position descriptions;

E. Support services personnel.

(I) Number of full-time and part-time ancillary support services personnel.

(II) Position descriptions;

F. Sponsoring institution.

(I) Evidence of authorization to conduct the program of practical nursing by the governing body of the sponsoring institution.

(II) Evidence of accreditation by an agency recognized by the United States Department of Education.

(III) Provision of administrative structure/organizational charts of the sponsoring institution and the nursing program.

(IV) Evidence of the financial stability and resources of the sponsoring institution and the program of nursing; and

G. Facilities.

(I) Description of educational facilities to be used by the practical nursing program such as classrooms, library, offices, clinical skills laboratory and other facilities.

(II) Description of planned or available learning resources to include such items as equipment, supplies, library services, computers, and technology.

(III) Description of proposed clinical sites that will provide appropriate educational experiences.

(IV) A letter of intent from each proposed cooperating agency stating its ability to provide the appropriate educational experiences;

5. Site survey. A representative from the board shall make an

on-site survey to verify implementation of the proposal and compliance with 20 CSR 2200-3.050 through 20 CSR 2200-3.130; and

6. The board's decision to grant initial approval is contingent upon evidence from the site survey that the program is being implemented in compliance with 20 CSR 2200-3.050 through 20 CSR 2200-3.130.

(B) Throughout the period of initial approval, the program will be evaluated at least annually.

(C) Upon graduation of the program's first class and receipt of results of the National Council Licensure Examination for Practical Nurses (NCLEX-PN® examination), the board shall review the following:

1. The program's compliance with minimum standards during initial approval including the program's adherence to the approved proposal and changes authorized by the board;

2. Report of an on-site survey (if conducted);

3. Report of the National Council Licensure Examination for Practical Nurses results (as per 20 CSR 2200-3.180(1)); and

4. Identification and analysis of class graduation rate.

(D) After its review, the board shall decide to continue initial approval for a period of not more than one (1) year, deny approval or grant full approval.

(5) Full Approval Status.

(A) Annual Survey. Each program and each campus of each program shall complete and submit the board's annual survey prior to the established deadline. Following review by the board, each program shall be notified of the board's action(s).

(B) Five (5)-Year Survey. Each approved program and each campus of each program shall be surveyed every five (5) years from the first year of full approval. Either an on-site survey or a paper survey may be conducted. If a nursing program is accredited by a nationally recognized nursing accrediting body and accredited by the Higher Learning Commission North Central Association of Colleges and Schools, the Missouri Department of Higher Education, the Accrediting Council for Independent Colleges and Schools, or other accrediting body recognized by the United States Department of Education, a five (5)-year on-site survey may be deferred. A paper review will include the accreditation self-study report, recommendations made by the accrediting body, graduation rates and other information as required by the board. Copies of correspondence regarding changes in accreditation status shall be submitted to the board within thirty (30) days of the program's receipt of such.

(C) Additional Visits/Surveys. A representative of the board shall make additional visits/surveys as deemed necessary by the board. A program may request additional visits.

(6) Conditional Approval Status.

(A) Should circumstances warrant, the board will notify the program administrator of concerns regarding the program and the administrator will be requested to respond to those concerns.

(B) A program may be placed on conditional approval status if it has failed to meet or maintain the rules/regulations or requirements, or both, set by the board. The program will remain on conditional approval status until such time as the deficiencies are corrected to the satisfaction of the board.

(C) A program's approval may be withdrawn pursuant to section 335.071.3, RSMo, for noncompliance with minimum standards. A program which fails to correct identified deficiencies to the satisfaction of the board shall, after notice and hearing, be removed from the board's listing of approved programs.

(7) Annual Registration Requirements.

(A) An application for annual registration shall be sent to each approved program and each campus of each program from the board. Failure to receive the application will not relieve the program of its obligation to register.



(B) A separate annual registration form and designated fee as established by 20 CSR 2200-4.010 shall be submitted to the board for each approved program and each campus of each program prior to June 1 of each year.

(C) A program's approval status shall be subject to review by the board if the required registration fee is not received within thirty (30) days following the June 1 deadline.

*AUTHORITY: sections 335.036 and 335.071, RSMo 2000. This rule originally filed as 4 CSR 200-3.010. Original rule filed Jan. 29, 1974, effective Feb. 8, 1974. For intervening history, please consult the **Code of State Regulations**. Rescinded and readopted: Filed April 17, 2007.*

*PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately twenty-four thousand six hundred fifty-eight dollars and sixty-eight cents (\$24,658.68) annually for the life of the rule and eight thousand nine hundred forty-seven dollars and thirteen cents (\$8,947.13) every five (5) years for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.*

*PRIVATE COST: This proposed rule will cost private entities approximately nine thousand six hundred seventy-nine dollars and sixty cents (\$9,679.60) annually for the life of the rule and fifty-two dollars and thirty-eight cents (\$52.38) every five (5) years for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075 or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*



PUBLIC ENTITY FISCAL NOTE

**I. RULE NUMBER**

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2200 - State Board of Nursing

Chapter 3 - Minimum Standards for Approved Programs of Practical Nursing

Proposed Rule - 20 CSR 2200-3.010 Approval

Prepared December 28, 2006

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Cost of Compliance	
State Board of Nursing	Annual Costs: Initial Approval of a Nursing Program - \$2,470.82 Annual Reports - \$22,187.86	\$24,658.68
	Every Five Years: 5 Year Survey (Paper Review) - \$3,560.51 5 Year Survey (Including Site Visit) - \$5,386.62	\$8,947.13

**III. WORKSHEET**

**Initial Approval of Nursing Program**

The board anticipates receiving 2 applications for initial approval annually.

**PERSONAL SERVICE COSTS**

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	TIME PER PROPOSAL	COST PER PROPOSAL	TOTAL COST
Education Administrator	\$45,384.00	\$63,750.90	\$30.65	33 hours	\$1,011.43	\$2,022.87
Senior Office Support Assistant	\$24,144.00	\$33,915.08	\$16.31	5 hours	\$81.53	\$163.05
Total personal service costs						\$2,185.92

It is estimated that the following staff time will be devoted to each application:

**Education Administrator/RN VI (33 hours)** - Analyze proposal and supporting documentation, request additional information as needed, conduct site visit, and prepare site visit report. NOTE: Time may vary depending on the length of the proposal and location of the school. For the purpose of this fiscal note, 33 hours is used to determine personal service cost associated with the Education Administrator.

**Senior Office Support Assistant (5 hours)** - Process initial proposal, prepare correspondence and site visit report, and assemble board meeting materials. NOTE: Time may vary depending on the length of the proposal and location of the school. For the purpose of this fiscal note, 5 hours is used to determine personal service cost associated with the Senior Office Support Assistant.

**EXPENSE AND EQUIPMENT COSTS**

CLASSIFICATION	Fee Amount	Number in Class	AGGREGATE COST
Letterhead (approval of new providers)	\$0.15	2	\$0.30
Envelope (approval of new providers)	\$0.16	2	\$0.32
Postage (approval of new providers)	\$0.34	2	\$0.68
			\$1.30

**TRAVEL EXPENSES**

The board is unable to determine the exact amount of travel expenses associated with this rule due to the various geographic locations of the programs, therefore, for the purposes of this fiscal note the board estimates the following average travel expenses to conduct one (1) site visit.

Mileage (average 240 miles round trip @ \$0.415)	\$99.60
Lodging (\$96 per night/1 night)	\$96.00
Meals (\$44 per day/2 days)	\$88.00
	\$283.60

**Annual Reports**

The board anticipates receiving 45 annual reports each year.

**PERSONAL SERVICE COSTS**

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	TIME PER REPORT	COST PER REPORT	TOTAL COST
Education Administrator	\$45,384.00	\$63,750.90	\$30.65	2 hours 30 minutes	\$76.62	\$3,448.07
Senior Office Support Assistant	\$24,144.00	\$33,915.08	\$16.31	20 hours	\$326.11	\$14,674.79
Total personal service costs						\$18,122.86

It is estimated that the following staff time will be devoted to each annual survey:

**Education Administrator/RN VI** (2 hours 30 minutes) - Analyze report and supporting documentation, prepare correspondence, request additional information as needed, and prepare report for board review. NOTE: Time may vary depending on the size of the program. For the purpose of this fiscal note, 2 hours and 30 minutes is used to determine personal service cost associated with the Education Administrator.

**Senior Office Support Assistant** (20 hours) - Assemble report forms and materials for mailing to programs, notify/remind programs to submit report; processing of completed reports and fees, prepare letters of acknowledgement and acceptance, enter data into the division's licensing system, and preparing reports and copies for board review. NOTE: Time may vary depending on the size of the program. For the purpose of this fiscal note, 20 hours is used to determine personal service cost associated with the Senior Office Support Assistant.

#### EXPENSE AND EQUIPMENT COSTS

CLASSIFICATION	Fee Amount	Number in Class	AGGREGATE COST
Annual Report Forms	\$0.15	45	\$6.75
Envelope (annual report mailing)	\$0.16	45	\$7.20
Postage (annual report mailing)	\$0.37	45	\$16.65
			<b>\$30.60</b>

#### 5 Year Survey (Paper Review)

Only one of the current practical nursing programs is accredited by a nationally recognized nursing education agency/body.. The board estimates approximately one (1) programs will submit paper reports and eight (8) will require site visits each year.

#### PERSONAL SERVICE COSTS

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	TIME PER 5 YEAR SURVEY	COST PER 5 YEAR SURVEY	TOTAL COST
Education Administrator	\$45,384.00	\$63,750.90	\$30.65	20 hours	\$612.99	\$612.99
Senior Office Support Assistant	\$24,144.00	\$33,915.08	\$16.31	15 hours	\$244.58	\$244.58
<b>Total personal service costs</b>						<b>\$857.57</b>

It is estimated that the following staff time will be devoted for each 5 year survey:

**Education Administrator/RN VI** (15 hours) - Analyze proposal and supporting documentation, request additional information as needed, and prepare report for board review. NOTE: Time may vary depending on the length of the proposal and location of the school. For the purpose of this fiscal note, 20 hours is used to determine personal service cost associated with the Education Administrator.

**Senior Office Support Assistant** (15 hours) - Process initial proposal, prepare correspondence and annual report, and assemble board meeting materials. NOTE: Time may vary depending on the length of the proposal and location of the school. For the purpose of this fiscal note, 15 hours is used to determine personal service cost associated with the Education Administrator.

#### EXPENSE AND EQUIPMENT COSTS

CLASSIFICATION	Fee Amount	Number in Class	AGGREGATE COST
Annual Report Form	\$0.15	1	\$0.15
Envelope (mailing annual report form)	\$0.16	1	\$0.16
Postage (mailing annual report form)	\$0.34	1	\$0.34
Letterhead (acknowledgment/acceptance of annual reports)	\$0.15	1	\$0.15
Envelope (acknowledgment/acceptance of annual reports)	\$0.16	1	\$0.16
Postage (acknowledgment/acceptance of annual reports)	\$0.34	1	\$0.34
			<b>\$1.30</b>

#### 5 Year Survey Requiring Site Visit

#### PERSONAL SERVICE COSTS

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	TIME PER 5 YEAR SURVEY	COST PER 5 YEAR SURVEY	TOTAL COST
Education Administrator	\$45,384.00	\$63,750.90	\$30.65	24 hours	\$735.59	\$5,884.70
Senior Office Support Assistant	\$24,144.00	\$33,915.08	\$16.31	20 hours	\$326.11	\$2,608.85
<b>Total personal service costs</b>						<b>\$8,493.55</b>

It is estimated that the following staff time will be devoted on each application for the following duties:

**Education Administrator/RN VI** (26 hours) - Analyze proposal and supporting documentation, request additional information as needed, conduct site visit, and prepare site visit report. NOTE: Time may vary depending on the length of the proposal and location of the school. For the purpose of this fiscal note, 26 hours is used to determine personal service cost associated with the Education Administrator.

**Senior Office Support Assistant** (20 hours) - Process initial proposal, prepare correspondence and site visit report, and assemble board meeting materials. NOTE: Time may vary depending on the length of the proposal and location of the school. For the purpose of this fiscal note, 20 hours is used to determine personal service cost associated with the Education Administrator.

**EXPENSE AND EQUIPMENT COSTS**

CLASSIFICATION	Fee Amount	Number in Class	AGGREGATE COST
Annual Report Form	\$0.15	8	\$1.20
Envelope (mailing annual report form)	\$0.16	8	\$1.28
Postage (mailing annual report form)	\$0.37	8	\$2.96
Letterhead and Completed Annual Report	\$0.15	8	\$1.20
Envelope (review of annual reports)	\$0.16	8	\$1.28
Postage (review of annual reports)	\$0.37	8	\$2.96
			<b>\$10.88</b>

**TRAVEL EXPENSES**

The board is unable to determine the exact amount of travel expenses associated with this rule due to the various geographic locations throughout the state, however, for the purposes of this fiscal note the board estimates the following average travel expenses:

Mileage (average 240 miles round trip @ \$0.415)	\$99.60		
Lodging (\$96 per night/1 night)	\$96.00		
Meals (\$44 per day/2 days)	\$88.00		
	<b>\$283.60</b>	<b>Total Travel Expenses</b>	<b>\$2,269</b>

**IV. ASSUMPTIONS**

1. An additional visit (see subsection (5)(C)) could be announced or unannounced depending upon reasons for making the survey. The cost would be similar to the 5 year visit as reported above.
2. Currently conditional approval status (see section (6)) is done by letter since all placements of conditional approval status are due to licensure pass rates that are below 80%. If the conditional approval status is due to other reasons, an announced or unannounced visit may be made. An unannounced visit would be dependent upon other information received by the board, such as numerous student complaints or information indicating that the program is not adhering to the minimum standards. Generally the cost is a letter sent by certified mail informing the program of the conditional status. If there is a site visit, the cost would be similar to those reported for a 5 year site survey visit.

**NOTE:** The public fiscal note for this rule only reflects the cost for this particular process. However, private entity fees are set at an amount to cover the total actual cost incurred by the office, which includes personal service, expense and equipment and transfers.

## PRIVATE ENTITY FISCAL NOTE

## I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2200 - State Board of Nursing

Chapter 3 - Minimum Standards for Approved Programs of Practical Nursing

Proposed Rule - 20 CSR 2200-3.010 Approval

Prepared December 28, 2006

## II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the amendment by affected entities during first year of implementation:
2	Applicants (Submission of Initial Proposal - @ \$3.76)	\$7.52
2	Applicants (Accreditation by a US Dept. of Education Recognized Agency @ \$2500)	\$5,000.00
45	Currently Approved Providers (Annual Registration @ \$102.66)	\$4,619.70
9	Currently Approved Schools (Submission of 5 Year Survey @ \$5.82)	\$52.38
Annual Cost of Compliance		\$9,679.60
Every Five Years		\$52.38

## III. WORKSHEET

Initial Approval	
Letterhead	\$0.16
Copies of Supporting Document	\$2.50
Envelope	\$0.32
Postage	\$0.78
	<hr/> \$3.76
Annual Registration	
Annual Registration Fee	\$100.00
Envelope	\$0.16
Postage	\$2.50
	<hr/> \$102.66
Submission of 5 Year Survey	
Letterhead	\$0.16
Envelope	\$0.16
Postage*	\$5.50
	<hr/> \$5.82

\*NOTE: Postage may vary depending upon the amount of documentation submitted to the board.

#### IV. ASSUMPTIONS

##### Initial Approval

1. Currently approved practical nursing programs are in compliance with the federal requirements which allow them to participate in the federal student loan programs if they are located in degree granting institutions and have appropriate accreditation from a US Dept. of Education recognized agency. Most of the sponsoring institutions now have candidacy or initial accreditation status with North Central Association. There are 3 or 4 proprietary programs that are accredited by Accrediting Council of Independent Colleges and Schools (ACICS) via which they participate in the federal student loan programs. However, applicants for initial approval will be required to obtain initial or candidacy status with the North Central Association accreditation, or other accreditation recognized by the US Dept. of Education. The board estimates the accreditation process will cost applicants approximately \$2500.
2. Applicants for initial approval are required to submit a letter of intent to the board along with supporting documentation which includes a tentative budget plan and documentation regarding stability of the sponsoring institution. Cost for preparing such supporting documentation may vary from applicant to applicant, therefore, these costs are not being calculated in this fiscal note.
3. Programs are located in public and private educational institutions and vary greatly in size. It is difficult to determine the costs incurred by a sponsoring institution for the submission of a proposal to start a nursing program and are not being calculated in this fiscal note due to the following variables:
  - Proposed nursing program not located in a sponsoring institution that currently offers other types of programs and there are no physical facilities (classrooms, library, etc.) and no established student support services;
  - Sponsoring institution not presently accredited by an agency recognized by the U.S. Department of Education and must pursue that process;
  - Sponsoring institution leases rather than owns space for the proposed nursing program or must renovate physical facilities to accommodate the program;
  - Sponsoring institution does not currently have any type of nursing program and must start from "scratch" in developing philosophy/mission, curriculum and hire faculty etc. Costs are generally reduced if sponsoring institution currently offers a professional nursing program;
  - Sponsoring institution is a large, public entity as opposed to a small, private entity in terms of obtaining the needed organizational approvals which could lead to increase expense and time;
  - Dependent upon the experience of the program administrator responsible for writing the proposal. If s/he is inexperienced in education, the hiring of a consultant and/or meetings with other program administrators for advice and direction may be needed; and
  - Cost will vary if the sponsoring institution is able to obtain grants or other federal/state monies for the proposed program.
4. Applicants may experience costs for the following variables, these factors may vary from applicant to applicant and are not included in this fiscal note:
  - Hiring program administrator to write the proposal;
  - Performing needs study to assemble information which may include conducting surveys, meeting with stakeholders, etc.;
  - Obtaining letters of support for proposed program from interested parties and letters of intent for clinical utilization from health care facilities/agencies;
  - Developing philosophy and graduate competencies for the program to be basis for curriculum;
  - Developing curriculum plan with the sequence of courses, number of credit or clock hours per course and description and objectives for each course;
  - Determining number of students to be enrolled, develop admission and progression criteria and develop appeals procedures;
  - Developing position descriptions for faculty and, if necessary, support personnel;
  - Developing charts/lines of communication for sponsoring institution and nursing program;



- Developing budget for program, which may include seeking grants or other monies/donations to reduce expenses;
- Providing appropriate physical facilities for the program which may result in constructing a building, renovating, or buying or leasing a property. Considerations for the building must include appropriately equipped classrooms which may include a science lab; developing and furnishing clinical skills laboratory with furnishings, equipment, models, mannequins, etc.; and developing and furnishing library/learning resources which may include computers, software, A-V resources, books, journals, shelves and other furnishings; and
- Hiring secretarial assistance to type and assemble proposal, making copies, and mailing or delivering proposal.

**Annual Survey**

Currently approved programs are expected to incur costs for the following, however, due to the size and geographic location of the program, the cost will vary and are not included in this fiscal note:

- Completion of a 3 page report may be required for each member of the faculty to update records with the board; and assembling of publications (catalog, student handbook, etc.); and
- Mailing or delivering report to the board office.

**5 Year Survey**

Currently approved programs are expected to incur costs every 5 years for the following, however, due to the size and geographic location of the program, the cost may vary and are not included in this fiscal note:

- For a paper review, the program submits a form which lists the standards and where information regarding each standard is found; course syllabi; samples of final exams, college catalog; student handbooks, application and recruitment materials, a copy of the programs systematic evaluation plan; a copy of the most recent report from the nursing education accrediting body and the program response to any recommendation.

**5 Year Site Survey**

Programs requiring a site visit submit the same information as required with the 5 year survey with the exception of the accrediting agency's report and program response.

5. It is anticipated that the total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**NOTE:** The division is statutorily obligated to enforce and administer the provisions of Chapter 335, RSMo. Pursuant to Chapter 335, RSMo, the division shall by rule and regulation set the amount of fees authorized by Chapter 335, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of Chapter 335, RSMo.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2200—State Board of Nursing  
Chapter 3—Practical Nursing**

**PROPOSED RESCISSION**

**20 CSR 2200-3.020 Discontinuing and Reopening Programs.**  
This rule defined the procedure for discontinuing and reopening programs of practical nursing.

*PURPOSE:* This rule is being rescinded and readopted to reorganize the content of the rule and remove extraneous wording.

*AUTHORITY:* sections 335.036 and 335.071, RSMo 2000. This rule originally filed as 4 CSR 200-3.020. Original rule filed Jan. 29, 1974, effective Feb. 8, 1974. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed April 17, 2007.

*PUBLIC COST:* This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075 or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2200—State Board of Nursing  
Chapter 3—Minimum Standards for Approved Programs  
of Practical Nursing**

**PROPOSED RULE**

**20 CSR 2200-3.020 Discontinuing and Reopening Programs**

*PURPOSE:* This rule establishes the procedures for discontinuing and reopening programs of practical nursing.

(1) Program Discontinuation.

(A) A letter of intent shall be submitted to the board, at least six (6) months and, preferably, one (1) year prior to closing the program and shall include:

1. Closing date; and
2. Plans for completion of program for currently enrolled students.

(B) The plan for closure must be approved by the board prior to implementation.

(C) Date of completion on the diploma/certificate shall be on or before the official closing date of the program.

(D) Application for registration with the required fee shall be submitted annually to the board as long as there are students in the program.

(E) Classroom and clinical instruction approved by the board shall be provided until the designated date of closing. The sponsoring institution shall be responsible for providing a complete educational program for the currently enrolled students or shall provide a mechanism for transfer.

(F) Records for all graduates and for all students who attended the program of practical nursing shall be filed in the manner used by the institution conducting the program.

1. Transcripts of all courses attempted or completed by each student attending the program shall be maintained by the designated custodian. Provisions for obtaining copies of transcripts shall be maintained.

2. If the program closes but the sponsoring institution continues, that institution shall assume the responsibility for the records and notify the board, in writing, of the location of the storage of the records.

3. If both the program of practical nursing and the sponsoring institution close, the transcripts shall be given permanent custodial care and the board shall be notified in writing of the name and address of the custodian.

(2) Program Reopening. The procedure for reopening a program is the same as for initial approval in 20 CSR 2200-3.010(4)(A).

*AUTHORITY:* sections 335.036 and 335.071, RSMo 2000. This rule originally filed as 4 CSR 200-3.020. Original rule filed Jan. 29, 1974, effective Feb. 8, 1974. For intervening history, please consult the *Code of State Regulations*. Rescinded and readopted: Filed April 17, 2007.

*PUBLIC COST:* This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rule with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075 or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2200—State Board of Nursing  
Chapter 3—Practical Nursing**

**PROPOSED RESCISSION**

**20 CSR 2200-3.030 Change in Sponsorship.** This rule defined the procedure for change of sponsorship of a practical nursing program.

*PURPOSE:* This rule is being rescinded and readopted to remove extraneous wording.

*AUTHORITY:* sections 335.036 and 335.071, RSMo 2000. This rule originally filed as 4 CSR 200-3.030. Original rule filed Jan. 29, 1974, effective Feb. 8, 1974. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed April 17, 2007.

*PUBLIC COST:* This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the State

*Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075 or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2200—State Board of Nursing  
Chapter 3—Minimum Standards for Approved Programs  
of Practical Nursing**

**PROPOSED RULE**

**20 CSR 2200-3.030 Change in Sponsorship**

*PURPOSE: This rule defines the procedure for a change of sponsorship of a practical nursing program.*

(1) The institution assuming the sponsorship of an approved program shall notify the board in writing within ten (10) working days after the change of sponsorship.

(2) A change in sponsorship form provided by the board shall be completed and returned within thirty (30) days of receipt of the form.

(3) Any proposed changes that affect the criteria included in 20 CSR 2200-3.010(4)(A)1.-4. must be approved by the board prior to implementation.

(4) Program documents shall be changed to indicate the appropriate sponsor.

*AUTHORITY: sections 335.036 and 335.071, RSMo 2000. This rule originally filed as 4 CSR 200-3.030. Original rule filed Jan. 29, 1974, effective Feb. 8, 1974. For intervening history, please consult the Code of State Regulations. Rescinded and readopted: Filed April 17, 2007.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075 or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2200—State Board of Nursing  
Chapter 3—Practical Nursing**

**PROPOSED RESCISSION**

**20 CSR 2200-3.035 Multiple Campuses.** This rule defined the procedure for multiple campuses.

*PURPOSE: This rule is being rescinded and readopted to better distinguish the difference between multiple campuses and satellite locations and emphasizes that each campus must have a designated full time coordinator.*

*AUTHORITY: section 335.036, RSMo Supp. 1997. This rule originally filed as 4 CSR 200-3.035. Original rule filed March 25, 1993, effective Dec. 9, 1993. Amended: Filed Aug. 6, 1998, effective Feb. 28, 1999. Moved to 20 CSR 2200-3.035, effective Aug. 28, 2006. Rescinded: Filed April 17, 2007.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075 or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2200—State Board of Nursing  
Chapter 3—Minimum Standards for Approved Programs  
of Practical Nursing**

**PROPOSED RULE**

**20 CSR 2200-3.035 Multiple Campuses**

*PURPOSE: This rule defines the procedure for multiple campuses.*

(1) Each campus of a program will be treated independently for purposes of compliance with the minimum standards set forth by the board.

(2) Each campus is required to submit a separate annual survey, five (5)-year survey, annual registration and annual registration fee.

(3) The sponsoring institution must submit a proposal as indicated in 20 CSR 2200-3.010(4)(A) and receive approval from the board before opening an additional campus. Each additional campus shall be surveyed.

(4) Each campus shall have a full-time faculty person designated as the coordinator who reports to the program administrator.

(5) Discipline of one (1) campus will not automatically result in discipline of other campuses of the same program.

(6) Each campus will be evaluated individually concerning licensure examination results.

(7) Satellite locations do not qualify as multiple campuses.

*AUTHORITY: sections 335.036 and 335.071, RSMo 2000. This rule originally filed as 4 CSR 200-3.035. Original rule filed March 25, 1993, effective Dec. 9, 1993. Amended: Filed Aug. 6, 1998, effective Feb. 28, 1999. Moved to 20 CSR 2200-3.035, effective Aug. 28, 2006. Rescinded and readopted: Filed April 17, 2007.*

*PUBLIC COST:* This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rule with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075 or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2200—State Board of Nursing  
Chapter 3—Practical Nursing**

**PROPOSED RESCISSION**

**20 CSR 2200-3.040 Program Changes Requiring Board Approval, Notification, or Both.** This rule defined program changes which require board approval, notification, or both.

*PURPOSE:* This rule is being rescinded and readopted to specifically delineate items needing board approval and/or notification and the procedure to submit changes.

*AUTHORITY:* section 335.036, RSMo Supp. 1997. This rule originally filed as 4 CSR 200-3.040. Original rule filed Jan. 29, 1974, effective Feb. 8, 1974. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed April 17, 2007.

*PUBLIC COST:* This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075 or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2200—State Board of Nursing  
Chapter 3—Minimum Standards for Approved Programs  
of Practical Nursing**

**PROPOSED RULE**

**20 CSR 2200-3.040 Program Changes Requiring Board Approval, Notification, or Both**

*PURPOSE:* This rule defines program changes which require board approval, notification, or both.

- (1) Board approval is required for changes of the following:
  - (A) Curriculum;
  - (B) Length of program;
  - (C) Increase number of students by admission or transfer, by more than one (1) beyond the number approved by the board;
  - (D) Pilot program/project; and
  - (E) Relocation of the program or any of its components.
- (2) The request for board approval of program changes shall include:
  - (A) Narrative description of proposed change(s);
  - (B) Rationale for proposed changes including consistency with the program's philosophy/mission and graduate competencies;
  - (C) Side-by-side comparison of proposed changes and current practice when applicable;
  - (D) Timetable for implementation;
  - (E) Narrative of the impact of proposed changes on the program;
  - (F) Explanation of the impact of the proposed changes on currently enrolled students, faculty, graduates or resources; and
  - (G) Methods of evaluation to be used to determine the effect of the change.
- (3) The request shall be submitted by a deadline established by the board.
- (4) A change in name and/or address of the program shall be submitted in writing to the board within thirty (30) days of the change.
- (5) A change in a program's accreditation status by any accrediting body shall be submitted in writing to the board within thirty (30) days of the program's notification of such.

*AUTHORITY:* section 335.036, RSMo 2000. This rule originally filed as 4 CSR 200-3.040. Original rule filed Jan. 29, 1974, effective Feb. 8, 1974. For intervening history, please consult the *Code of State Regulations*. Rescinded and readopted: Filed April 17, 2007.

*PUBLIC COST:* This proposed rule will cost state agencies or political subdivisions approximately sixty-one dollars and thirty cents (\$61.30) to five hundred twenty-nine dollars (\$529) per program revision for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

*PRIVATE COST:* This proposed rule will cost private entities approximately twenty-seven dollars (\$27) to one hundred thirty-four dollars (\$134) per program revision for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rule with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075 or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.



## PUBLIC ENTITY FISCAL NOTE

## I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2200 - State Board of Nursing

Chapter 3 - Minimum Standards for Approved Programs of Practical Nursing

Proposed Rule - 20 CSR 2200-3.040 Program Changes Requiring Board Approval, Notification or Both

Prepared December 28, 2006

## II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
State Board of Nursing	Annual Cost of Compliance for the Life of the Rule <b>\$61.30 - \$529 per program revision</b>

## III. WORKSHEET

The following is a summary of the time the Education Administrator/RN VI will spend with various revision changes. Due to the unknown number and degree of revisions a program may make in a year, the board is estimating a range of costs in this fiscal note.

## Education Administrator/RN VI

The time involved to review a curriculum revision varies with the degree of change requested. A complete revision of the entire curriculum could take 6-8 hours to review whereas, if the request involves only 2-4 courses, the review could be done in 2 hours. Once clarifications are received and acceptable, the request is sent to the Education Committee members for review. The time involved for reviewing requests for a change in the number of students may only take 2 hours if the program has included all the necessary information. If clarification is needed that increases the time and there is letter writing. This request also goes to members of the Education Committee. If the program relocates, it may submit blue prints or a diagram of the new physical layout along with narrative descriptions. This may take 2-3 hours to review. A site visit may be conducted and the geographic location of the program would determine if that means travel, lodging and meals. A report of the relocation visit takes about 2 hours to write and is sent to Education Committee members.

<u>Tasks</u>	<u>Processing Time</u>	<u>Hourly Salary</u>	<u>Cost Per Revision</u>
Complete Revision	8 hours	\$30.65	\$245.20
Review of 2-4 Courses	2 hours	\$30.65	\$61.30
Education Committee Review	2 hours	\$30.65	\$61.30
Program Relocation	3 hours	\$30.65	\$91.95
Program Relocation Report	2 hours	\$30.65	\$61.30

## TRAVEL EXPENSES

The board is unable to determine the exact amount of travel expenses associated with this rule due to the various geographic locations throughout the state, however, for the purposes of this fiscal note the board estimates the following average travel expenses to conduct one (1) site visit.

Mileage (average 240 miles round trip @ \$0.415)	\$99.60
Lodging (\$96 per night/1 night)	\$96
Meals (\$44 per day/2 days)	\$88
	<b>\$284</b>

## IV. ASSUMPTIONS

1. All programs are affected by the rule but not all programs submit any sort of change each year and there are some who haven't submitted any change within the last 5 years. Only 1 practical nursing program a year submits curricular revisions while request for a change in number of students that can be enrolled may be about 2 programs a year.
2. It is anticipated that the total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

NOTE: The public fiscal note for this rule only reflects the cost for this particular process. However, private entity fees are set at an amount to cover the total actual cost incurred by the office, which includes personal service, expense and equipment and transfers.



## PRIVATE ENTITY FISCAL NOTE

### I. RULE NUMBER

**Title 20 - Department of Insurance, Financial Institutions and Professional Registration**

**Division 2200 - State Board of Nursing**

**Chapter 3 - Minimum Standards for Approved Programs of Practical Nursing**

**Proposed Rule - 20 CSR 2200-3.040 Program Changes Requiring Board Approval, Notification or Both**

Prepared December 28, 2006

### II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the amendment by affected entities during first year of implementation:
30-150	Program (Submission of Request for Revision @ \$.50)	\$15.00-\$75.00
30-150	Program (Postage @ \$.39)	\$12.00-\$59.00
Estimated Cost of Compliance		\$27.00-\$134.00

### III. WORKSHEET

### IV. ASSUMPTIONS

1. The practical nursing programs are located in public and private educational institutions which vary greatly in size. Admissions to the programs varies from 30-150 per year. The cost to the program varies greatly with the size of the program and type of request submitted.
2. A dollar amount for a request is difficult to determine, as it is largely dependent upon the type of request submitted. The process to increase the number of students generally would be less costly than those associated with relocation. The size of the sponsoring institution of the nursing program and the organizational structure via which requests are internally approved prior to submission to the board is another factor that differs from program to program.

3. A curriculum change may vary from altering two courses and/or changing the number of credit hours to a comprehensive revision of the nursing curriculum, including the philosophy/mission and graduate competencies. Thus, the amount of time required of faculty to accomplish the task would greatly differ. A pilot program/project could involve working with another agency so that parties other than program faculty and administration are involved and perhaps contractual agreements are necessary. Relocation may vary from moving within a building or from one location to another on campus to moving to an entire different geographic area in the city in which the program is located.
4. The program will have the expense involved in writing and making copies of the request as well as postage. This will be determined by the specific request and delivery method. The board does provide the program with forms for requests for change in enrollment and relocation but the program may need or choose to provide additional information.
5. It is anticipated that the total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**NOTE:** The division is statutorily obligated to enforce and administer the provisions of Chapter 335, RSMo. Pursuant to Chapter 335, RSMo, the division shall by rule and regulation set the amount of fees authorized by Chapter 335, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of Chapter 335, RSMo.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2200—State Board of Nursing  
Chapter 3—Practical Nursing**

**PROPOSED RESCISSION**

**20 CSR 2200-3.050 Organization and Administration of an Approved Program of Practical Nursing.** This rule defined the organization and administration of an approved program of practical nursing.

*PURPOSE:* This rule is being rescinded and readopted to reflect current terminology and education practices and clarify the issue of faculty governance.

*AUTHORITY:* sections 335.036 and 335.071, RSMo 2000. This rule originally filed as 4 CSR 200-3.050. Original rule filed Jan. 29, 1974, effective Feb. 8, 1974. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed April 17, 2007.

*PUBLIC COST:* This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075 or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2200—State Board of Nursing  
Chapter 3—Minimum Standards for Approved Programs  
of Practical Nursing**

**PROPOSED RULE**

**20 CSR 2200-3.050 Organization and Administration of an Approved Program of Practical Nursing**

*PURPOSE:* This rule defines the organization and administration of an approved program of practical nursing.

(1) Philosophy/mission of the program shall be in writing and shall be consistent with the philosophy/mission statement of the sponsoring institution.

(2) Graduate competencies shall be derived from the program's philosophy/mission.

(3) The philosophy/mission and the graduate competencies shall be the basis on which the curriculum is developed.

(4) There will be a faculty governance structure with responsibility for the nursing curriculum and the admission, progression and graduation of students.

(A) Meetings shall be scheduled at stated intervals.

(B) Written minutes of all meetings shall be maintained.

(5) The program shall have a current organizational chart(s) illustrating the relationship of the program to the sponsoring institution and the faculty structure within the nursing program.

(6) Finance.

(A) There shall be an annual budget to support the program.

(B) The administrator of the program shall manage the budget.

(C) The administrator, with input from the faculty, shall make recommendations for the budget.

(7) Clerical Assistance.

(A) Each program shall have secretarial and other support services sufficient to meet the needs of the program.

*AUTHORITY:* sections 335.036 and 335.071, RSMo 2000. This rule originally filed as 4 CSR 200-3.050. Original rule filed Jan. 29, 1974, effective Feb. 8, 1974. For intervening history, please consult the *Code of State Regulations*. Rescinded and readopted: Filed April 17, 2007.

*PUBLIC COST:* This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rule will cost private entities approximately seventy thousand dollars (\$70,000) to one hundred three thousand dollars (\$103,000) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rule with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075 or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**PRIVATE ENTITY FISCAL NOTE****I. RULE NUMBER****Title 20 - Department of Insurance, Financial Institutions and Professional Registration****Division 2200 - State Board of Nursing****Chapter 3 - Minimum Standards for Approved Programs of Practical Nursing****Proposed Rule - 20 CSR 2200-3.050 Organization and Administration of an Approved Program of Practical Nursing**

Prepared December 28, 2006

**II. SUMMARY OF FISCAL IMPACT**

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the amendment by affected entities during first year of implementation:
1	Program (Secretarial Salary @ \$20,000-\$38,000)	\$20,000-\$28,000
1	Program (Financial Aid Personnel/Officers @ \$30,000-\$45,000)	\$30,000-\$45,000
1	Program (Admissions/Recruitment Personnel @ \$20,000-\$30,000)	\$20,000-\$30,000
<b>Estimated Annual Cost of Compliance</b>		<b>\$70,000- \$103,000</b>

**IV. ASSUMPTIONS**

- Salaries will vary according to location within the state; the number of programs offered by the sponsoring institution; and for those located in small community colleges or private/proprietary colleges. The salary for secretary for the program may range from \$20,000 to \$38,000. The salaries for recruitment/admissions and financial aid personnel are often shared with other programs offered by the sponsoring institution and the nursing program would be responsible for a portion of the salary which could range from \$20,000 to \$30,000. Financial Aid personnel/officers may earn \$30,000 to \$45,000.
- The estimate shown represents the amount a program can expect to pay per full time employee excluding fringe benefits.
- It is anticipated that the total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**NOTE:** The division is statutorily obligated to enforce and administer the provisions of Chapter 335, RSMo. Pursuant to Chapter 335, RSMo, the division shall by rule and regulation set the amount of fees authorized by Chapter 335, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of Chapter 335, RSMo.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2200—State Board of Nursing  
Chapter 3—Practical Nursing**

**PROPOSED RESCISSION**

**20 CSR 2200-3.060 Administrator/Faculty.** This rule defined the categories, qualifications and competencies, responsibilities and employment policies of program administrator/faculty.

*PURPOSE: This rule is being rescinded and readopted to more specifically define the qualifications and responsibilities of the program administrator and faculty and to reorganize the text of the rule.*

*AUTHORITY: section 335.036, RSMo Supp. 1997. This rule originally filed as 4 CSR 200-3.060. Original rule filed Jan. 29, 1974, effective Feb. 8, 1974. For intervening history, please consult the Code of State Regulations. Rescinded: Filed April 17, 2007.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075 or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**  
**Division 2200—State Board of Nursing**  
**Chapter 3—Minimum Standards for Approved Programs  
of Practical Nursing**

**PROPOSED RULE**

**20 CSR 2200-3.060 Administrator/Faculty**

*PURPOSE: This rule defines the categories, qualifications and competencies, responsibilities, and employment policies of administrator/faculty.*

**(1) Program Administrator.**

(A) The administrator shall have primary responsibility and the authority for the administration of the nursing program and shall be employed full-time.

**(B) Criteria for Appointment:**

1. Current undisciplined license to practice professional nursing in Missouri;

2. Baccalaureate or graduate degree in nursing that includes a clinical component. Any program administrator appointed to the position prior to December 9, 1993 is exempt from the requirement of having a Bachelor of Science in Nursing;

3. Academically and experientially qualified and maintains expertise in area of responsibility; and

4. Approved by the board prior to appointment.

**(2) Nursing Faculty.**

(A) Nurse faculty shall have responsibility for developing, implementing, and evaluating the nursing program.

**(B) Criteria for Appointment:**

1. Current undisciplined license to practice professional nursing in Missouri;

2. Educational requirements:

A. Nursing faculty teaching in a practical nursing program shall have a minimum of a Bachelor of Science in Nursing degree with a clinical component; and

B. Nursing faculty appointed prior to January 1, 1999 are exempt from this requirement;

3. Academically and experientially qualified and maintain expertise in areas of responsibility; and

4. Approved by the board prior to appointment.

(3) Responsibilities. The administrator and faculty of the program shall be responsible for, but not limited to:

(A) Compliance with minimum standards;

(B) Ongoing, systematic development, implementation and evaluation of the total program in relation to stated philosophy/mission and graduate competencies of the program;

(C) Instruction and evaluation of students;

(D) Providing input on program related policies regarding recruitment, admission, retention, promotion and graduation of students;

(E) Availability of academic advisement and guidance of students;

(F) Maintenance of student records in compliance with institutional policy;

(G) Ensuring confidentiality of student records;

(H) Maintenance of clinical and educational competencies in areas of instructional responsibilities. Professional competence activities may include nursing practice, continuing education, writing for publication and/or participation in professional associations; and

(I) Participation in the development of program and institutional policies and decision making.

(4) Minimum Number of Faculty. One (1) full-time nursing faculty in addition to the program administrator with sufficient faculty to achieve the objectives of the educational program and such number shall be reasonably proportionate to: number of students enrolled; frequency of admissions; education and experience of faculty members; number and location of clinical sites; and total responsibilities of the faculty.

(5) Faculty workload shall allow time for class and laboratory preparation, instruction, program evaluation, and professional development.

(6) Non-nurse faculty shall have professional preparation and qualifications in the specific areas for which they are responsible.

**(7) Employment Policies.**

(A) To the extent required by the law, age, marital status, sex, national origin, race, color, creed, disability and religion shall not be determining factors in employment.

**(B) Nursing Program.**

1. Personnel policies shall be available in writing and consistent with the sponsoring institution.

2. Position descriptions shall be in writing and shall detail the responsibilities and functions for each position.

3. A planned orientation shall be in writing and implemented. It shall include a review of the Missouri Nursing Practice Act (NPA).

*AUTHORITY: sections 335.036 and 335.071, RSMo 2000. This rule originally filed as 4 CSR 200-3.060. Original rule filed Jan. 29, 1974, effective Feb. 8, 1974. For intervening history, please consult the Code of State Regulations. Rescinded and readopted: Filed April 17, 2007.*



*PUBLIC COST:* This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rule will cost private entities approximately ninety-four thousand dollars (\$94,000) to two hundred forty-five thousand dollars (\$245,000) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rule with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075 or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**PRIVATE ENTITY FISCAL NOTE**

**I. RULE NUMBER**

**Title 20 - Department of Insurance, Financial Institutions and Professional Registration**

**Division 2200 - State Board of Nursing**

**Chapter 3 - Minimum Standards for Approved Programs of Practical Nursing**

**Proposed Rule - 20 CSR 2200-3.060 Administrator/Faculty**

Prepared December 28, 2006

**II. SUMMARY OF FISCAL IMPACT**

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the amendment by affected entities during first year of implementation:
1	Program (Program Administrator @ \$50,000-\$125,000)	\$50,000-\$125,000
1	Program (Faculty @ \$44,000-\$120,000)	\$44,000-\$120,000
Estimated Annual Cost of Compliance		\$94,000- \$245,000

**III. WORKSHEET**

**IV. ASSUMPTIONS**

1. Practical nursing program administrators and faculty salaries will vary according to the geographic location of the program. In public or private settings, salaries also vary as to the category of the individual such as Assistant, Associate, or Full Professor and also may be tied in with tenure. For program administrators, salaries may range from \$50,000 to \$125,000 and for faculty \$44,000 to \$120,000. These would not be new costs to an established program.
2. The estimate shown represents the amount a program can expect to pay per full time employee excluding fringe benefits.
3. It is anticipated that the total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

NOTE: The division is statutorily obligated to enforce and administer the provisions of Chapter 335, RSMo. Pursuant to Chapter 335, RSMo, the division shall by rule and regulation set the amount of fees authorized by Chapter 335, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of Chapter 335, RSMo.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2200—State Board of Nursing  
Chapter 3—Practical Nursing**

**PROPOSED RESCISSION**

**20 CSR 2200-3.070 Physical Facilities.** This rule defined the physical facilities required by practical nursing programs.

*PURPOSE: This rule is being rescinded and readopted to be consistent with current library practices and other required resources.*

*AUTHORITY: section 335.036, RSMo Supp. 1997. This rule originally filed as 4 CSR 200-3.070. Original rule filed Jan. 29, 1974, effective Feb. 8, 1974. For intervening history, please consult the Code of State Regulations. Rescinded: Filed April 17, 2007.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075 or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2200—State Board of Nursing  
Chapter 3—Minimum Standards for Approved Programs  
of Practical Nursing**

**PROPOSED RULE**

**20 CSR 2200-3.070 Physical Facilities**

*PURPOSE: This rule defines the physical facilities and resources required by practical nursing programs.*

**(1) Office Space and Equipment.**

(A) The institution shall provide space and equipment to fulfill the purpose of the program.

(B) The administrator of the program shall have a private office.

(C) The coordinator(s) and faculty shall have office space sufficient to carry out responsibilities of their respective positions.

(D) Private areas shall be provided for faculty/student conferences.

**(2) Library.**

(A) Each program and each campus of each program shall have access to library resources with the following:

1. Quiet area designated for study; and

2. Current and available resources to meet the educational needs of the students and the instructional and scholarly activities of the faculty.

(B) Management of library resources shall include:

1. Budget for acquisition of printed and multimedia material;

2. System for identifying or deleting outdated resources; and

3. Policies and procedures governing the administration and the

use of the library resources shall be in writing and available to students and faculty.

**(3) Classrooms.**

(A) Classrooms shall be of size, number and type for the number of students and teaching methodology.

(B) Classrooms shall have climate control, ventilation and lighting, seating, furnishings, and equipment conducive to learning.

(C) Storage space shall be available for equipment and supplies.

**(4) Clinical Skills Laboratory.**

(A) Each program and each campus of each program shall have a clinical skills laboratory sufficient to meet learning outcomes.

(B) Management of clinical skills laboratory shall include:

1. Budget allocation for equipment and supplies;

2. Plan for acquisition and maintenance of equipment and supplies; and

3. Policies and procedures governing the administration and the use of the clinical skills laboratory. These policies and procedures shall be in writing and available to students and faculty.

**(5) Technology Resources/Computers.**

(A) Each program and each campus of each program shall have access to current and available resources to meet the educational needs of the students and the instructional and scholarly activities of the faculty.

(B) Management of technology resources shall include:

1. Budget for acquisition of current technology, including computers;

2. System for identifying, deleting and/or replacing resources; and

3. Policies and procedures governing the administration and the use of technology/computers. These policies and procedures shall be in writing and available to students and faculty.

*AUTHORITY: section 335.036, RSMo 2000. This rule originally filed as 4 CSR 200-3.070. Original rule filed Jan. 29, 1974, effective Feb. 8, 1974. For intervening history, please consult the Code of State Regulations. Rescinded and readopted: Filed April 17, 2007.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will cost private entities approximately one hundred sixty thousand dollars (\$160,000) per program for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075 or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**PRIVATE ENTITY FISCAL NOTE**

**I. RULE NUMBER**

**Title 20 - Department of Insurance, Financial Institutions and Professional Registration**

**Division 2200 - State Board of Nursing**

**Chapter 3 - Minimum Standards for Approved Programs of Practical Nursing**

**Proposed Rule - 20 CSR 2200-3.070 Physical Facilities**

Prepared December 28, 2006

**II. SUMMARY OF FISCAL IMPACT**

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the amendment by affected entities during first year of implementation:
1	Program (Physical Facility Expenses @ \$160,000 per program)	\$160,000
<b>Estimated Annual Cost of Compliance</b>		<b>\$160,000 per program</b>

**III. WORKSHEET**

Start Up Equipment/Supplies	\$100,000
Miscellaneous Program Expenses	\$5,000
Student Supplies/Books	\$52,000
Library Materials	\$3,000
	<u>\$160,000</u>

**IV. ASSUMPTIONS**

1. Fiscal impact could vary should any item or supply be donated or purchased at a lower price.
2. It is anticipated that the total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**NOTE:** The division is statutorily obligated to enforce and administer the provisions of Chapter 335, RSMo. Pursuant to Chapter 335, RSMo, the division shall by rule and regulation set the amount of fees authorized by Chapter 335, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of Chapter 335, RSMo.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2200—State Board of Nursing  
Chapter 3—Practical Nursing**

**PROPOSED RESCISSION**

**20 CSR 2200-3.080 Clinical Sites.** This rule defined selection and use of clinical sites by the program for required student clinical learning experiences.

*PURPOSE:* This rule is being rescinded and readopted to eliminate confusion for the terms “observation,” “participatory observation” and “direct care” and eliminates the requirement for clinical sites to be approved by the board.

*AUTHORITY:* section 335.036, RSMo Supp. 1997. This rule originally filed as 4 CSR 200-3.080. Original rule filed Jan. 29, 1974, effective Feb. 8, 1974. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed April 17, 2007.

*PUBLIC COST:* This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075 or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2200—State Board of Nursing  
Chapter 3—Minimum Standards for Approved Programs  
of Practical Nursing**

**PROPOSED RULE**

**20 CSR 2200-3.080 Clinical Sites**

*PURPOSE:* This rule defines selection and use of clinical sites by the practical nursing program for required student clinical learning experiences.

(1) Clinical sites shall be selected which will provide direct care and observational learning experiences to meet the objectives of the course.

(2) Observational experiences shall provide learning experiences to meet the course objectives and shall not exceed twenty percent (20%) of the total clinical program hours. Orientation to the facility does not contribute to the twenty percent (20%).

(3) Clinical sites for each course or clinical experience shall be listed in the annual survey.

(4) Each program shall have written evidence of an agreement with each clinical site which includes time frames for a notification of termination and periodic review.

(5) There shall be evidence of clinical orientation for each nursing course with a clinical component.

*AUTHORITY:* sections 335.036 and 335.071, RSMo 2000. This rule originally filed as 4 CSR 200-3.080. Original rule filed Jan. 29, 1974, effective Feb. 8, 1974. For intervening history, please consult the *Code of State Regulations*. Rescinded and readopted: Filed April 17, 2007.

*PUBLIC COST:* This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rule with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075 or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2200—State Board of Nursing  
Chapter 3—Practical Nursing**

**PROPOSED RESCISSION**

**20 CSR 2200-3.085 Preceptors.** This rule defined the utilization of preceptors.

*PURPOSE:* The board is proposing to rescind and readopt this rule to reorganize the text of the rule.

*AUTHORITY:* sections 335.036(2), (3), (4), (5) and (6), RSMo Supp. 1997 and 335.071, RSMo 1994. This rule originally filed as 4 CSR 200-3.085. Original rule filed Aug. 6, 1998, effective Feb. 28, 1999. Moved to 20 CSR 2200-3.085, effective Aug. 28, 2006. Rescinded: Filed April 17, 2007.

*PUBLIC COST:* This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075 or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2200—State Board of Nursing  
Chapter 3—Minimum Standards for Approved Programs  
of Practical Nursing**

**PROPOSED RULE**



## 20 CSR 2200-3.085 Preceptors

*PURPOSE: This rule defines the utilization of preceptors.*

(1) Preceptors may be used as role models, mentors and supervisors of students in practical nursing programs.

(A) Preceptors do not replace faculty in the education of the student but serve to assist faculty and the student in achieving designated objectives of a nursing course.

(B) Preceptors are not to be considered when determining the faculty to student ratio.

(C) Preceptors shall not be utilized in fundamentals of nursing courses.

(D) Preceptors shall supervise no more than two (2) students at a time.

(2) Each nursing program shall have written policies for the use of preceptors which incorporate the criteria listed in this rule.

(3) Responsibilities of the nursing program faculty in regards to utilization of preceptors shall include:

(A) Select the preceptor in collaboration with the clinical site;

(B) Provide the preceptor with information as to the duties, roles and responsibilities of the faculty, the student and the preceptor including the communication processes;

(C) Provide the preceptor a copy of the objectives of the course in which the student is enrolled and directions for assisting the student to meet objectives specific to the clinical experience;

(D) Assume responsibility for each student's final evaluation and the assigning of a performance rating or grade; and

(E) Identify the use of preceptors in the program's annual survey.

(4) Responsibilities of the preceptor shall include:

(A) Possess current license to practice as a registered professional or licensed practical nurse with at least one (1) year experience in the area of clinical specialty for which the preceptor is used;

(B) Perform the responsibilities as determined by the nursing program; and

(C) Provide written documentation to faculty regarding the student's performance in relation to meeting designated course objectives.

*AUTHORITY: sections 335.036 and 335.071, RSMo 2000. This rule originally filed as 4 CSR 200-3.085. Original rule filed Aug. 6, 1998, effective Feb. 28, 1999. Moved to 20 CSR 2200-3.085, effective Aug. 28, 2006. Rescinded and readopted: Filed April 17, 2007.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075 or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

## Title 20 —DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

### Division 2200—State Board of Nursing Chapter 3—Practical Nursing

#### PROPOSED RESCISSION

**20 CSR 2200-3.090 Students.** This rule defined the admission, readmission and transfer processes and services provided to students.

*PURPOSE: This rule is being rescinded and readopted to delete extraneous wording and rephrase text of the rule to be consistent with current educational practices.*

*AUTHORITY: section 335.036, RSMo Supp. 1997. This rule originally filed as 4 CSR 200-3.090. Original rule filed Jan. 29, 1974, effective Feb. 8, 1974. For intervening history, please consult the Code of State Regulations. Rescinded: Filed April 17, 2007.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075 or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

## Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

### Division 2200—State Board of Nursing Chapter 3—Minimum Standards for Approved Programs of Practical Nursing

#### PROPOSED RULE

## 20 CSR 2200-3.090 Students

*PURPOSE: This rule defines the admission, readmission, and transfer criteria and services provided students.*

(1) Admission, Readmission and Transfer.

(A) The educational program shall comply with the state and federal laws regarding discrimination in the admission of students.

(B) Policies for admission, readmission, transfer and advanced placement shall be written, implemented and evaluated by the faculty.

(C) Admission criteria shall reflect consideration of:

1. Potential to complete the program; and

2. Ability to meet the standards to apply for licensure (see sections 335.046.2, RSMo and 335.066, RSMo).

(D) Students who are readmitted or transferred shall complete the same requirements for graduation as other members of the class to which they are admitted.

(E) The board shall approve the maximum number of students enrolled in each program. The criteria for approval of the maximum number will be based on:

1. Availability of qualified faculty;

2. Available clinical experiences; and

3. Educational facility's ability to accommodate students.

(F) Late admissions. No student shall be admitted later than five (5) school days after the established entrance date of the program.

(2) Students for whom English is a second language shall meet the same general admission requirements as other students.

(3) Student Services.

(A) Housing. If the school provides housing for students, there shall be written policies governing the facilities.

(B) Health. If the school provides health services for students, there shall be information available regarding a process for accessing and obtaining health care.

(C) Academic Advisement and Financial Aid Services. Academic advisement and financial aid services shall be accessible to all students.

(D) Grievance Procedure. Policies and procedures which afford students due process shall be available for managing academic and nonacademic grievances. Due process for student grievances shall include the providing of written notice of all decisions affecting an individual student, an opportunity for the student to contest those decisions either in writing or in person, the opportunity to contest facts serving as the basis for the decisions, and the opportunity to appeal the decisions to a level higher than the original decision maker.

**AUTHORITY:** sections 335.036 and 335.071, RSMo 2000. This rule originally filed as 4 CSR 200-3.090. Original rule filed Jan. 29, 1974, effective Feb. 8, 1974. For intervening history, please consult the *Code of State Regulations*. Rescinded and readopted: Filed April 17, 2007.

**PUBLIC COST:** This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rule with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075 or via email at [nursing@pr.mo.gov](mailto:nursing@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2200—State Board of Nursing  
Chapter 3—Practical Nursing**

**PROPOSED RESCISSION**

**20 CSR 2200-3.100 Educational Program.** This rule defined curriculum organization and development, curriculum plan and curriculum requirements for programs of practical nursing.

**PURPOSE:** This rule is being rescinded and readopted to reorganize the text of the rule and include criteria for distance education.

**AUTHORITY:** section 335.036, RSMo Supp. 1997. This rule originally filed as 4 CSR 200-3.100. Original rule filed Jan. 29, 1974, effective Feb. 8, 1974. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed April 17, 2007.

**PUBLIC COST:** This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rescission with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075 or via email at [nursing@pr.mo.gov](mailto:nursing@pr.mo.gov). To be considered, comments must be received

within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2200—State Board of Nursing  
Chapter 3—Minimum Standards for Approved Programs  
of Practical Nursing**

**PROPOSED RULE**

**20 CSR 2200-3.100 Educational Program**

**PURPOSE:** This rule defines the educational program, curriculum plan and requirements and distance education requirements for programs of practical nursing.

(1) General Purpose.

(A) The program shall have a philosophy/mission which guides the curriculum practices.

(B) Graduate competencies shall be derived from the philosophy/mission of the program.

(C) The educational program shall provide planned learning experiences essential to the achievement of the stated philosophy/mission and graduate competencies of the program and shall demonstrate logical progression.

(2) Curriculum Organization and Development.

(A) The nursing faculty shall have the authority and the responsibility to develop, implement, and evaluate the curriculum.

(B) There shall be a written curriculum plan which reflects the program's philosophy/mission and objectives and shall be logically consistent between and within courses.

(C) The curriculum shall be planned so that the number of hours/credits/units of instruction are distributed between theory and clinical hours/credits/units to permit achievement of graduate competencies and program outcomes.

(D) Curriculum shall be planned so that each division of the curriculum (whether it be a quarter, term or semester) has a reasonably equal number of credit hours/hours of instruction and has a beginning and ending date.

(E) The length of the program shall be no less than ten (10) months of instruction.

(F) Student learning experiences shall be directed and evaluated by faculty and be consistent with the curriculum plan.

(3) Curriculum Requirements. There shall be a general written plan for the total curriculum which will show the courses taught, sequence, correlation and integration of classroom and clinical instruction. Content may be developed as a separate course or integrated. Integrated concepts shall be evident in the course objectives. Instruction shall be proved in the following areas:

(A) Biological and Physical Sciences. Content from these sciences shall include:

1. Anatomy and physiology;
2. Nutrition; and
3. Pharmacology;

(B) Social and Behavioral Sciences. Content from these sciences shall include concepts of:

1. Communication;
2. Interpersonal relations;
3. Cultural diversity; and
4. Growth and development/life span;

(C) Nursing Science. Theory and clinical instruction in nursing shall be based on the nursing process and encompass the promotion, maintenance, and restoration of physical and mental health and the prevention of illness for individuals and groups throughout the life cycle. Content shall enable the student to develop competency in each of the following areas:

1. Fundamentals of nursing;
2. Nursing of adults;
3. Nursing of children;
4. Nursing of the elderly;
5. Maternal and newborn nursing;
6. Mental health concepts;
7. Administration of medications;
8. IV Therapy; and
9. Leadership/management concepts; and

(D) Personal and vocational concepts shall exist as a discrete course in the curriculum and include the following content:

1. Ethical and legal aspects of nursing;
2. Nursing history and trends; and
3. Role of the practical and professional nurse.

(4) Course syllabi shall be current and available to all faculty and students and include:

- (A) The objectives of each course;
- (B) The teaching/learning strategies to be used; and
- (C) Evaluation methodologies.

(5) Distance Education. Courses/programs of study that utilize distance education shall have:

- (A) A course management/delivery platform that is reliable and navigable for students and faculty;
- (B) Budgetary support;
- (C) Collaborative and interactive learning activities that assist the student in achieving course objectives;
- (D) Clinical courses must be faculty directed and include direct patient care activities;
- (E) Learning resources including library access;
- (F) Technical support services for faculty and students;
- (G) Access to appropriate and equivalent student services;
- (H) Faculty and student input into the evaluation process; and
- (I) Recurring interaction between faculty and students.

*AUTHORITY: section 335.036, RSMo 2000. This rule originally filed as 4 CSR 200-3.100. Original rule filed Jan. 29, 1974, effective Feb. 8, 1974. For intervening history, please consult the Code of State Regulations. Rescinded and readopted: Filed April 17, 2007.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075 or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2200—State Board of Nursing  
Chapter 3—Practical Nursing**

**PROPOSED RESCISSION**

**20 CSR 2200-3.110 Records.** This rule defined records required to be kept by programs of practical nursing.

*PURPOSE: This rule is being rescinded and readopted to allow more flexibility as to storage of student records to include microfiche and computer files.*

*AUTHORITY: sections 335.036 and 335.071, RSMo 2000. This rule originally filed as 4 CSR 200-3.110. Original rule filed Jan. 29, 1974, effective Feb. 8, 1974. For intervening history, please consult the Code of State Regulations. Rescinded: Filed April 17, 2007.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075 or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2200—State Board of Nursing  
Chapter 3—Minimum Standards for Approved Programs  
of Practical Nursing**

**PROPOSED RULE**

**20 CSR 2200-3.110 Records**

*PURPOSE: This rule defines records required to be kept by programs of practical nursing.*

**(1) Transcripts.**

(A) Transcripts of all courses attempted or completed by each student attending the program shall be maintained permanently.

(B) The official transcript shall identify the following:

1. Date of admission, date of separation from the program and hours/credits/units earned and the diploma/certificate awarded; and
2. Transferred credits, including course titles, credits earned, and the name and location of the credit-granting institution.

(C) Transcripts, including microfiche and computer files, shall be stored in a secured area.

**(2) School Records.**

(A) Student records shall be stored in an area which is theft resistant and where confidentiality can be ensured or according to sponsoring institution policies for secure storage of records.

(B) The nursing program shall maintain records as required by institutional and nursing program policies.

*AUTHORITY: sections 335.036 and 335.071, RSMo 2000. This rule originally filed as 4 CSR 200-3.110. Original rule filed Jan. 29, 1974, effective Feb. 8, 1974. For intervening history, please consult the Code of State Regulations. Rescinded and readopted: Filed April 17, 2007.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will cost private entities approximately two thousand dollars (\$2,000) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075 or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*



**PRIVATE ENTITY FISCAL NOTE**

**I. RULE NUMBER**

**Title 20 - Department of Insurance, Financial Institutions and Professional Registration**

**Division 2200 - State Board of Nursing**

**Chapter 3 - Minimum Standards for Approved Programs of Practical Nursing**

**Proposed Rule - 20 CSR 2200-3.110 Records**

Prepared December 28, 2006

**II. SUMMARY OF FISCAL IMPACT**

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the amendment by affected entities during first year of implementation:
1	Program (locked, fire resistant cabinet 2 drawer @ \$800)	\$800.00
1	Program (locked, fire resistant cabinet 4 drawer @ \$1200)	\$1,200.00
Estimated Annual Cost of Compliance		\$2,000.00

**III. WORKSHEET**

**IV. ASSUMPTIONS**

1. The estimate above is what a program can expect to pay per item.
2. It is anticipated that the total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**NOTE:** The division is statutorily obligated to enforce and administer the provisions of Chapter 335, RSMo. Pursuant to Chapter 335, RSMo, the division shall by rule and regulation set the amount of fees authorized by Chapter 335, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of Chapter 335, RSMo.



**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2200—State Board of Nursing  
Chapter 3—Practical Nursing**

**PROPOSED RESCISSION**

**20 CSR 2200-3.120 Publications.** This rule defined what must be included in publications published by programs of practical nursing.

*PURPOSE:* This rule is being rescinded and readopted to allow for information to be available to applicants and students in various formats.

*AUTHORITY:* sections 335.036 and 335.071, RSMo 2000. This rule originally filed as 4 CSR 200-3.120. Original rule filed Jan. 29, 1974, effective Feb. 8, 1974. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed April 17, 2007.

*PUBLIC COST:* This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075 or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2200—State Board of Nursing  
Chapter 3—Minimum Standards for Approved Programs  
of Practical Nursing**

**PROPOSED RULE**

**20 CSR 2200-3.120 Publications**

*PURPOSE:* This rule defines what must be included in publications published by programs of practical nursing.

- (1) Publications shall be current, dated and internally consistent.
- (2) A nondiscrimination policy shall appear in publications specific to the nursing program.
- (3) The following information shall be available to the applicant in writing prior to admission:
  - (A) Approval status as granted by the board (initial, full or conditional approval status);
  - (B) Admission criteria;
  - (C) Section 335.066, RSMo of the Missouri Nursing Practice Act with an explanation that completion of the program does not guarantee eligibility to take the licensure examination;
  - (D) Advanced placement policies;
  - (E) Student services;
  - (F) Curriculum plan;
  - (G) Program costs;
  - (H) Refund policy; and
  - (I) Financial assistance.

(4) The following information shall be available to the student in writing upon entry:

- (A) Philosophy/mission;
- (B) Graduate competencies;
- (C) Grading, promotion and graduation policies;
- (D) Faculty roster with qualifications;
- (E) School calendar;
- (F) Student policies;
- (G) Student's rights and responsibilities; and
- (H) Due process policies and procedures.

*AUTHORITY:* sections 335.036 and 335.071, RSMo 2000. This rule originally filed as 4 CSR 200-3.120. Original rule filed Jan. 29, 1974, effective Feb. 8, 1974. For intervening history, please consult the *Code of State Regulations*. Rescinded and readopted: Filed April 17, 2007.

*PUBLIC COST:* This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rule with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075 or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2200—State Board of Nursing  
Chapter 3—Practical Nursing**

**PROPOSED RESCISSION**

**20 CSR 2200-3.130 Evaluations.** The rule provided for evaluation of the practical nursing program by both faculty and students.

*PURPOSE:* This rule is being rescinded and readopted to specify a time frame for graduates to evaluate the nursing program and text of the rule is being amended to provide better clarity.

*AUTHORITY:* section 335.036, RSMo Supp. 1997. This rule originally filed as 4 CSR 200-3.130. Original rule filed Jan. 29, 1974, effective Feb. 8, 1974. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed April 17, 2007.

*PUBLIC COST:* This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075 or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2200—State Board of Nursing  
Chapter 3—Minimum Standards for Approved Programs  
of Practical Nursing**

**PROPOSED RULE**

**20 CSR 2200-3.130 Program Evaluation**

*PURPOSE: This rule provides for evaluation of the practical nursing program by both faculty and students.*

(1) There shall be a written plan for systematic evaluation of all aspects of the program. The plan shall include:

- (A) Frequency of evaluation;
- (B) Methods of evaluation; and
- (C) Person(s) responsible for the evaluation.

(2) The systematic evaluation plan provides for the evaluation of the following:

- (A) Clinical sites by students and faculty;
- (B) Course and faculty by students;
- (C) Students and faculty by representative(s) of clinical site(s); and
- (D) Program preparation for nursing employment by graduate nurses, six (6) months or more, after graduation.

(3) Documentation shall indicate that the systematic evaluation plan has been utilized in the planning and improvement of the program.

*AUTHORITY: sections 335.036 and 335.071, RSMo 2000. This rule originally filed as 4 CSR 200-3.130. Original rule filed Jan. 29, 1974, effective Feb. 8, 1974. For intervening history, please consult the Code of State Regulations. Rescinded and readopted: Filed April 17, 2007.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075 or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2200—State Board of Nursing  
Chapter 3—Practical Nursing**

**PROPOSED RESCISSION**

**20 CSR 2200-3.180 Licensure Examination Performance.** This rule defined the required examination pass rate for first time candidates and its impact on program approval.

*PURPOSE: This rule is being rescinded and readopted to specify the time frame for calculating pass rates for first time candidates and to establish criteria for evaluation of a program's effectiveness.*

*AUTHORITY: sections 335.036(2), (3), (4), (5) and (6) and 335.071, RSMo 2000. This rule originally filed as 4 CSR 200-3.180. Original rule filed Sept. 1, 1998, effective Feb. 28, 1999. Amended: Filed Dec. 1, 2000, effective May 30, 2001. Moved to 20 CSR 2200-3.180, effective Aug. 28, 2006. Rescinded: Filed April 17, 2007.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075 or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2200—State Board of Nursing  
Chapter 3—Minimum Standards for Approved Programs  
of Practical Nursing**

**PROPOSED RULE**

**20 CSR 2200-3.180 Licensure Examination Performance**

*PURPOSE: This rule defines the required examination pass rate for first-time candidates and its impact on program approval.*

(1) The licensure examination performance of first-time candidates from each practical nursing program shall be no less than eighty percent (80%) for each calendar year (January 1 through December 31).

(2) First-time candidates will include only those graduates of the program who take the licensure examination for the first time within one (1) year of graduation.

(3) The nursing program with a pass rate lower than eighty percent (80%) will:

(A) First year—Provide the board with a report analyzing all aspects of the education program, identifying areas contributing to the unacceptable pass rate and plan of action to resolve low pass rate;

(B) Second consecutive year—The program may be placed on conditional approval status. The program administrator will be required to appear before and present to the board an analysis of program effectiveness, problems identified, and plans of correction. Program effectiveness may include evidence of:

- 1. Class graduation rates;
- 2. National Council Licensure Examination for Practical Nurses (NCLEX-PN®) pass rates;
- 3. Student satisfaction;
- 4. Job placement rates; and
- 5. Employer satisfaction;

(C) The nursing program placed on conditional approval shall remain on "conditional approval" (as per 20 CSR 2200-3.010(6)) until it has two (2) consecutive years of pass rates of at least eighty percent (80%) or until the board removes approval pursuant to section 335.071.3, RSMo; and

(D) If, after two (2) years of conditional approval, a school has not demonstrated consistent measurable progress toward implementation of the correction plan, the board will withdraw approval pursuant to section 335.071.3, RSMo.

*AUTHORITY: sections 335.036 and 335.071, RSMo 2000. This rule originally filed as 4 CSR 200-3.180. Original rule filed Sept. 1, 1998, effective Feb. 28, 1999. For intervening history, please consult the **Code of State Regulations**. Rescinded and readopted: Filed April 17, 2007.*

*PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately two thousand seven hundred eighty-nine dollars and five cents (\$2,789.05) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.*

*PRIVATE COST: This proposed rule will cost private entities approximately thirty-two dollars and sixty-six cents (\$32.66) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075 or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**PUBLIC ENTITY FISCAL NOTE**

**I. RULE NUMBER**

**Title 20 - Department of Insurance, Financial Institutions and Professional Registration**

**Division 2200 - State Board of Nursing**

**Chapter 3 - Minimum Standards for Approved Programs of Practical Nursing**

**Proposed Rule - 20 CSR 2200-3.180 Licensure Examination Performance**

Prepared December 28, 2006

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
State Board of Nursing	Annual Cost of Compliance for the Life of the Rule <b>\$2,789.05</b>

**III. WORKSHEET**

**PERSONAL SERVICE COSTS**

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	TIME PER REPORT	COST PER REPORT	TOTAL COST
Education Administrator	\$45,384.00	\$63,750.90	\$30.65	2 hours	\$61.30	\$2,758.45
<b>Total personal service costs</b>						<b>\$2,758.45</b>

It is estimated that the following staff time will be devoted on each examination performance for the following duties:

**Education Administrator/RN V1 (2 hours)** - Review examination report, prepare and mail correspondence to programs.

CLASSIFICATION	Fee Amount	Number in Class	AGGREGATE COST
Letter	\$0.15	45	\$6.75
Envelope	\$0.16	45	\$7.20
Postage	\$0.37	45	\$16.65
<b>Total expense and equipment</b>			<b>\$30.60</b>

**IV. ASSUMPTIONS**

**NOTE:** The public fiscal note for this rule only reflects the cost for this particular process. However, private entity fees are set at an amount to cover the total actual cost incurred by the office, which includes personal service, expense and equipment and transfers.

**PRIVATE ENTITY FISCAL NOTE****I. RULE NUMBER****Title 20 - Department of Insurance, Financial Institutions and Professional Registration****Division 2200 - State Board of Nursing****Chapter 3 - Minimum Standards for Approved Programs of Practical Nursing****Proposed Rule - 20 CSR 2200-3.180 Licensure Examination Performance**

Prepared December 28, 2006

**II. SUMMARY OF FISCAL IMPACT**

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the amendment by affected entities during first year of implementation:
46	Program (letterhead, envelope, and postage @ \$.71)	\$32.66
Estimated Annual Cost of Compliance		\$32.66

**III. WORKSHEET****IV. ASSUMPTIONS**

1. Faculty and program administrators may spend time to compose the report which would include assembling the needed information and perhaps conducting meetings to discuss the action needed to resolve the situation. If the program has a well written systematic evaluation plan in place, the information needed to write the report should be readily available.
2. It is anticipated that the total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**NOTE:** The division is statutorily obligated to enforce and administer the provisions of Chapter 335, RSMo. Pursuant to Chapter 335, RSMo, the division shall by rule and regulation set the amount of fees authorized by Chapter 335, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of Chapter 335, RSMo.



**T**his section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

**T**he agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 6—Wildlife Code: Sport Fishing: Seasons,  
Methods Limits**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-6.410 is amended.

This rule establishes provisions associated with hand fishing seasons and is excepted by section 536.021, RSMo from the requirement for filing as a proposed amendment.

The Department of Conservation amended 3 CSR 10-6.410 by rescinding a season for hand fishing in Missouri.

**3 CSR 10-6.410 Fishing Methods**

*PURPOSE: This amendment removes hand fishing as a method for taking fish.*

(1) Fish may be taken by the use of pole and line, trotline, throwline, limb line, bank line, jug line, gig, longbow, crossbow, underwater spearfishing, snagging, snaring or grabbing, but only as specifically authorized in 3 CSR 10-6.415 through 3 CSR 10-6.550. No person may attempt to take fish by rock or hand fishing, with or without hook. Live bait, mussels, clams, bullfrogs, green frogs, common

snapping turtles and soft-shelled turtles may be taken only as specifically authorized in 3 CSR 10-6.605 through 3 CSR 10-6.620.

**SUMMARY OF PUBLIC COMMENTS:** Seasons and limits are excepted from the requirement of filing as a proposed amendment under section 536.021, RSMo.

This amendment filed April 23, 2007, effective **May 7, 2007**.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 6—Wildlife Code: Sport Fishing: Seasons,  
Methods Limits**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission rescinds a rule as follows:

3 CSR 10-6.511 is rescinded.

This rule rescinds the hand fishing season in Missouri and is excepted by section 536.021, RSMo from the requirement for filing as a proposed amendment.

The Department of Conservation rescinded 3 CSR 10-6.511 by rescinding a season for hand fishing in Missouri.

**3 CSR 10-6.511 Experimental Catfish Hand Fishing Season, Methods, Limits.** This rule established an experimental hand fishing, dates and limits.

*PURPOSE: This amendment rescinds the experimental catfish hand fishing season in Missouri.*

**SUMMARY OF PUBLIC COMMENTS:** Seasons and limits are excepted from the requirement of filing as a proposed amendment under section 536.021, RSMo.

This rescission filed April 23, 2007, effective **May 7, 2007**.

**Title 6—DEPARTMENT OF HIGHER EDUCATION  
Division 10—Commissioner of Higher Education  
Chapter 2—Student Financial Assistance Program**

**ORDER OF RULEMAKING**

By the authority vested in the commissioner of higher education under section 173.210, RSMo 2000, the commissioner amends a rule as follows:

**6 CSR 10-2.020 Student Eligibility and Application  
Procedures is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2007 (32 MoReg 303). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** No comments were received.

**Title 6—DEPARTMENT OF HIGHER EDUCATION  
Division 10—Commissioner of Higher Education  
Chapter 2—Student Financial Assistance Program**

**ORDER OF RULEMAKING**

By the authority vested in the commissioner of higher education under section 173.250, RSMo 2000, the commissioner amends a rule as follows:

**6 CSR 10-2.080 Higher Education Academic Scholarship  
Program is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2007 (32 MoReg 303-304). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 6—DEPARTMENT OF HIGHER EDUCATION  
Division 10—Commissioner of Higher Education  
Chapter 2—Student Financial Assistance Program**

**ORDER OF RULEMAKING**

By the authority vested in the commissioner of higher education under section 173.262, RSMo 2000, the commissioner amends a rule as follows:

**6 CSR 10-2.120 Competitiveness Scholarship  
Program is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2007 (32 MoReg 304-305). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 10—Air Conservation Commission  
Chapter 2—Air Quality Standards and Air Pollution  
Control Rules Specific to the Kansas City Metropolitan  
Area**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

**10 CSR 10-2.070 Restriction of Emission of Odors is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2007 (32 MoReg 39). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received three (3) comments from two (2) sources, the Interdisciplinary Environmental Clinic at Washington University in St. Louis representing CLEAN (Citizens Legal Environmental Action Network) and Friends of Agriculture for the Reform of Missouri Environmental Regulations (FARMER).

COMMENT: CLEAN presented both oral and written testimony on the proposed amendment. Due to the similar nature of the testimony this comment summarizes both. CLEAN commented that the change in the screening standard from a dilution ratio of 5.4:1 to a ratio of 7:1 seems inappropriate when odor problems continue to threaten the health and quality of life of rural Missourians. This change is a decrease or relaxation in stringency. CLEAN also requests that the commission adopt the following additional changes to the odor regulations: remove the overly burdensome requirement for additional, outside testing to determine an odor violation related to concentrated animal feeding operations (CAFOs); extend statewide and to the CAFO context the approach currently used in the St. Louis area regulations to protect residential and other sensitive areas affected by offensive odors; specifically, the commission should establish a 2:1 dilution threshold for odors affecting Missourians at their homes; require entities that generate offensive odors to do more to prevent such odors from occurring; and for CAFOs, this would mean to revise and update their odor control plans every five (5) years and following a violation of the odor standard. CLEAN did recognize the recently formed odor workgroup to examine the current odor regulations.

RESPONSE: The changes made to the rule are consistent with the agreement that the commission reached with FARMER in settlement of the lawsuit that FARMER brought against the commission. The department's Air Pollution Control Program is responding to the concerns that CLEAN has about the odor regulations and to their petition by convening the odor workgroup. The odor workgroup will examine the state's odor regulations to determine if changes are necessary. Therefore, no wording changes have been made as a result of this comment.

COMMENT: FARMER commented in support of the change from 5.4:1 to 7:1 for the screening threshold. They also do not oppose the use of the nasal ranger without contacting the source for approval. They do request that the industry would like to be notified when samples are to be taken. FARMER had no comment on the change to the American Society for Testing and Materials. FARMER did recognize the recently formed odor workgroup to examine the current odor regulations.

RESPONSE: The changes made to the rule are consistent with the agreement that the commission reached with FARMER in settlement of the lawsuit that FARMER brought against the commission. Therefore, no wording changes have been made as a result of this comment.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 10—Air Conservation Commission  
Chapter 2—Air Quality Standards and Air Pollution  
Control Rules Specific to the Kansas City Metropolitan  
Area**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

10 CSR 10-2.390 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2006 (31 MoReg 1941–1965). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The Missouri Department of Natural Resources' Air Pollution Control Program received comments on the proposed amendment from two (2) sources: the Mid-America Regional Council (MARC) and the U.S. Environmental Protection Agency (EPA).

**COMMENT:** EPA commented that in the rule purpose the reference to Clean Air Act section 176(c) should read section 176(c)(4)(E) as amended by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU).

**RESPONSE AND EXPLANATION OF CHANGE:** The department's Air Pollution Control Program has made the recommended reference revision.

**COMMENT:** EPA suggested that clarifying language be added in the rule purpose regarding the rule applicability should Kansas City violate the standard and be redesignated as nonattainment.

**RESPONSE AND EXPLANATION OF CHANGE:** The department's Air Pollution Control Program has added the clarifying language.

**COMMENT:** EPA suggested that in subsection (1)(A) the phrase — After EPA revokes the one (1)-hour ozone standard — be deleted and the sentence start with — If any Missouri....

**RESPONSE AND EXPLANATION OF CHANGE:** The department's Air Pollution Control Program has revised the language as suggested.

**COMMENT:** EPA suggested that clarifying language be added to subsection (1)(B) that the rule addresses and gives full legal effect to the three (3) requirements of the Federal Transportation Conformity Rule regarding consultation procedures, written commitments to control measures, and written commitments to mitigation measures.

**RESPONSE AND EXPLANATION OF CHANGE:** The department's Air Pollution Control Program has added the additional clarifying language.

**COMMENT:** EPA suggested that section (2)—1) incorporate by reference the definitions in subsection 40 CFR (*Code of Federal Regulations*) 93.101 of 40 CFR 93 Subpart A, 2) list participants in the interagency consultation process, and 3) include the identity and definition of the metropolitan planning organization.

**RESPONSE AND EXPLANATION OF CHANGE:** The department's Air Pollution Control Program has organized section (2) definitions as suggested.

**COMMENT:** EPA suggested that clarifying language be added at the end of the first sentence of subparagraph (3)(A)2.A. to read — and associated conformity determinations.

**RESPONSE AND EXPLANATION OF CHANGE:** The department's Air Pollution Control Program has added the additional clarifying language.

**COMMENT:** EPA commented that the rule indicates in part (3)(A)2.C.(II) consultation on planning assumptions that there will be a meeting to review planning assumptions in August of each year and that the department's Air Pollution Control Program should confirm that August is still the appropriate month for the meeting.

**RESPONSE:** The August meeting to review planning assumptions has been reconfirmed with MARC, the metropolitan planning organization for the Kansas City metropolitan area. No wording changes have been made to the proposed rulemaking as a result of this comment.

**COMMENT:** MARC submitted a comment suggesting updating the rule language in subparagraph (3)(A)2.D. and part (3)(A)2.D.(I). Formerly, MARC maintained notebooks in the public libraries in the Kansas City region for posting documents for public inspection. The advent of MARC's website on the Internet has replaced the notebooks in the public libraries as the means for posting documents for public inspection.

**RESPONSE AND EXPLANATION OF CHANGE:** As a result of this comment, the rule language in subparagraph (3)(A)2.D. and part (3)(A)2.D.(I). has been revised to reflect the updated rule language.

**COMMENT:** EPA suggested that rule language be revised in part (3)(A)3.B.(I) so that conformity determinations are not triggered by a change in planning assumptions.

**RESPONSE AND EXPLANATION OF CHANGE:** The department's Air Pollution Control Program has revised the rule language so as not to trigger a conformity determination when there is a change(s) in planning assumptions.

**COMMENT:** EPA suggested that rule text — adopt or approve of a regionally significant project — in the first sentence of part (3)(A)3.D.(III) be enclosed with quotation marks.

**RESPONSE AND EXPLANATION OF CHANGE:** The department's Air Pollution Control Program has added the quotation marks to enclose the rule text.

**COMMENT:** EPA suggested that Missouri include rule language reflecting that the governors are able to delegate their responsibilities in the hearing of appeals in paragraph (3)(A)4.

**RESPONSE AND EXPLANATION OF CHANGE:** The department's Air Pollution Control Program has included the recommended language in new subparagraph (3)(A)4.C.

**COMMENT:** EPA suggested that, in paragraph (3)(A)5. Missouri use verbatim the language from 40 CFR 93.105 of the Federal Transportation Conformity Rule regarding the Public Consultation Procedures.

**RESPONSE AND EXPLANATION OF CHANGE:** The department's Air Pollution Control Program has used verbatim the language from 40 CFR 93.105 of the Federal Transportation Conformity Rule regarding the Public Consultation Procedures in paragraph (3)(A)5.

**COMMENT:** EPA suggested that in subsection (3)(B) Requirement to Fulfill Commitments to Control Measures that language be added that entities have ability and authority to implement control measures.

**RESPONSE AND EXPLANATION OF CHANGE:** The department's Air Pollution Control Program has added the suggested language.

**COMMENT:** EPA suggested that in subsection (3)(C) Requirement to Fulfill Commitments to Mitigation Measures that language be added that project sponsors committing to mitigation measures to facilitate positive conformity determinations must comply with such written commitments.

**RESPONSE AND EXPLANATION OF CHANGE:** The department's Air Pollution Control Program has added the suggested language.

#### **10 CSR 10-2.390 Kansas City Area Transportation Conformity Requirements**

**PURPOSE:** This rule implements section 176(c)(4)(E) of the Clean Air Act (CAA), as amended (42 U.S.C. 7401–7671q.), and the related requirements of 23 U.S.C. 109(j), with respect to the conformity of transportation plans, programs, and projects which are developed, funded, or approved by the United States Department of



*Transportation (DOT), and by metropolitan planning organizations (MPOs) or other recipients of funds under Title 23 U.S.C. or the Federal Transit Laws (49 U.S.C. Chapter 53). This rule sets forth policy, criteria, and procedures for demonstrating and assuring conformity of such activities to the applicable implementation plan, developed pursuant to section 110 and Part D of the CAA. This rule would apply to the Kansas City attainment area should Kansas City violate the standard and be redesignated as nonattainment.*

**PUBLISHER'S NOTE:** *The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.*

#### (1) Applicability.

(A) If any Missouri portion of the Kansas City metropolitan area is redesignated as a nonattainment area for any transportation-related criteria pollutant, the provisions of this rule shall apply to the Missouri counties and the portions of Missouri counties located within the redesignated nonattainment area.

(B) This rule meets the requirements for state transportation conformity state implementation plans as provided in section 6011(f)(4) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users. This regulation addresses and gives full legal effect to the following three (3) requirements of the Federal Transportation Conformity Rule, 40 CFR part 93 subpart A: 1) 40 CFR 93.105, which addresses consultation procedures; 2) 40 CFR 93.122(a)(4)(ii), which states that conformity plans must require written commitments to control measures to be obtained prior to a conformity determination if the control measures are not included in a metropolitan planning organization's transportation plan and transportation improvement program, and that such commitments be fulfilled; and 3) 40 CFR 93.125(c), which states that conformity plans must require written commitments to mitigation measures to be obtained prior to a project-level conformity determination, and that project sponsors comply with such commitments.

#### (2) Definitions.

(A) Definitions for key words and phrases used in this rule may be found in subsection 40 CFR 93.101 of 40 CFR 93 Subpart A, promulgated as of July 1, 2006, which is hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, D.C. 20408. This rule does not incorporate any subsequent amendments or additions.

(B) Participants in the interagency consultation process must include the following public agencies:

1. Federal Highway Administration, Kansas Division;
2. Federal Transit Administration, Region 7;
3. Johnson County (Kansas) Environmental Department;
4. Johnson County (Kansas) Transit;
5. Kansas City Area Transportation Authority;
6. Kansas City, Missouri, Department of Health Air Quality Program;
7. Kansas Department of Health, Bureau of Air & Radiation;
8. Kansas Department of Transportation;
9. Mid-America Regional Council;
10. Missouri Department of Natural Resources' Air Pollution Control Program;
11. Missouri Department of Transportation;
12. Unified Government Health Department, Air Quality Program;
13. Unified Government Transit Department; and
14. U.S. Environmental Protection Agency, Region 7.

(C) Metropolitan planning organization (MPO)—That organization designated as being responsible, together with the state, for conducting the continuing, cooperative, and comprehensive planning process under 23 U.S.C. 134 and 49 U.S.C. 5303. It is the forum for cooperative transportation decision-making. The Mid-America Regional Council is the MPO for the Kansas City metropolitan area and the organization responsible for conducting the planning required under section 174 of the CAA.

(D) Definitions of certain terms specified in this rule, other than those defined in this rule section, may be found in 10 CSR 10-6.020.

#### (3) General Provisions.

(A) Interagency Consultation Procedures (Federal Code Location: 40 CFR 93.105).

1. General. Procedures for interagency consultation (federal, state, and local), resolution of conflicts, and public consultation are described in paragraphs (3)(A)1.–(3)(A)5. of this rule. Public consultation procedures meet the requirements for public involvement in 23 CFR part 450.

A. The implementation plan revision required shall include procedures for interagency consultation (federal, state, and local), resolution of conflicts, and public consultation as described in paragraphs (3)(A)1.–(3)(A)5. of this rule. Public consultation procedures will be developed in accordance with the requirements for public involvement in 23 CFR part 450.

B. MPOs and state departments of transportation will provide reasonable opportunity for consultation with state air agencies, local air quality and transportation agencies, Department of Transportation (DOT), and U.S. Environmental Protection Agency (EPA), including consultation on the issues described in subparagraph (3)(A)3.A. of this rule, before making conformity determinations.

#### 2. Interagency consultation procedures—general factors.

A. Representatives of the MPO and its regional transportation policy advisory committee, state transportation agencies, state and local air quality agencies, and regional air quality policy advisory organization designated by the state air quality agencies under the provisions of CAA section 174 shall participate in an interagency consultation process in accordance with this section with each other and with Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) and EPA on the development of the implementation plan, the list of Transportation Control Measures (TCMs) in the applicable implementation plan, the unified planning work program under 23 CFR section 450.314, the transportation plan, the Transportation Improvement Plan (TIP), and any revisions to the preceding documents and associated conformity determinations. Use of existing advisory committee structures will be the preferred mechanism for interagency consultation during the early stages of planning or programming processes. Expansion of representation will occur as necessary to assure that consulting agencies have the opportunity to receive background information as it is developed and share ideas and concerns early in the planning or programming process. Where consultation takes place outside of existing advisory committee structures, local government transportation interests will be represented by four (4) persons (representing transit and roadway interests from each state) appointed by the chairs of the regional transportation policy advisory committee and local government air quality interests will be represented by four (4) persons (at least one (1) from each state) appointed by the chairs of the regional air quality advisory organization. The air quality representation shall not duplicate representation from transportation agencies.

#### B. Roles and responsibilities of consulting agencies.

(I) It shall be the affirmative responsibility of the agency(ies) with the responsibility for preparing the final document to initiate the consultation process by notifying other participants of the proposed planning or programming process for the development of the following planning or programming documents: the regional transportation plan and the regional TIP, including revisions, the unified planning work program, and any conformity determinations,

with the MPO as the responsible agency; the statewide transportation plan and State Transportation Improvement Plan for northern Clay and northern and western Platte Counties, with the state transportation agency as the responsible agency; and the state air quality implementation plans with motor vehicle emissions budgets and control strategies, including revisions, with the state air quality agency in cooperation with the MPO as the responsible agencies.

(II) The adequacy of the consultation process for each type of document listed in subparagraph (3)(A)2.B. of this rule shall be assured by the agency responsible for that document, by meeting the requirements of subparts (3)(A)2.B.(II)(a)–(c) of this rule.

(a) The proposed planning or programming process must include at a minimum the following:

I. The roles and responsibilities of each agency at each stage in the planning process, including technical meetings;

II. The proposed organizational level of regular consultation;

III. A process for circulating (or providing ready access to) draft documents and supporting materials for comment before formal adoption or publication;

IV. The frequency of, or process for convening, consultation meetings and responsibilities for establishing meeting agendas; and

V. A process for responding to the significant comments of involved agencies.

(b) The time sequence and adequacy of the consultation process will be reviewed and determined for each type of planning or programming document by consensus of the consultation agencies at a meeting convened by the responsible agency for that purpose. These procedures shall subsequently become binding on all parties until such time as the procedures are revised by consensus of the consulting agencies.

(c) As a matter of policy, planning or programming processes must meet two (2) tests—

I. Consultation opportunities must be provided early in the planning process. Early participation is intended to facilitate sharing of information needed for meaningful input and to allow the consulting agencies to confer with the responsible agency during the formative stages of the plan or program. At a minimum, proposed transportation planning or programming processes must specifically include opportunities for the consulting agencies to confer upon the conformity analysis required to make conformity determinations for transportation plans and TIPs prior to consideration of draft documents by the regional air quality advisory organization, the regional transportation policy advisory committee or the state transportation agency for the transportation planning area outside of the metropolitan planning area for transportation planning. Air quality planning processes must specifically include opportunities for the consulting agencies to confer upon the motor vehicle emissions budget before the budget is considered by the regional air quality advisory organization, the regional transportation policy advisory committee, and the state air quality agency. Additionally, if TCMs are to be considered in transportation plans, TIPs or the state implementation plan, specific opportunities to consult upon TCMs by air quality and transportation agencies must be provided; and

II. Additional consultation opportunities must be provided prior to any final action by any responsible agency listed in subparagraph (3)(A)2.B. of this rule. Prior to formal action approving any plan or program, the consulting agencies must be given an opportunity to communicate their views in writing to the responsible agency. The responsible agency must consider the views of the consulting agencies and respond in writing to those views in a timely and complete manner prior to any final action on any plan or program. Such views and written response shall be made part of the record of any decision or action. Opportunities for formal consulting agency comment may run concurrent with other public review time frames. Participation or lack of participation by a consulting agency early in the planning or programming process has no bearing on their oppor-

tunity to submit formal comment prior to official action by the responsible agency.

C. Consultation on planning assumptions.

(I) Representatives of the conformity consulting agencies shall meet no less frequently than once per calendar year for the specific purpose of reviewing changes in transportation and air quality planning assumptions that could potentially impact the state implementation plan (SIP) motor vehicle emissions inventory, motor vehicle emissions budget and/or conformity determinations.

(II) It shall be the affirmative responsibility of each of the consulting agencies to advise the MPO of any pending changes in their planning assumptions. The MPO shall be responsible for convening a meeting to review planning assumptions in August of each year, unless an alternate date is agreed to by the consulting agencies, and at such other times as any of the consulting agencies proposes a change to any of these planning inputs. The purpose of the meeting(s) is to share information and evaluate the potential impacts of any proposed changes in planning assumptions, and to inform each other regarding the timetable and scope of any upcoming studies or analyses that may lead to future revision of planning assumptions.

(III) If any consulting agency proposes to undertake a data collection, planning or study process to evaluate a planning assumption that may have a significant impact on the state implementation plan (SIP) motor vehicle emissions inventory, motor vehicle emissions budget and/or conformity determinations, all of the consulting agencies shall be given an opportunity to provide advisory input into that process. Examples of data, planning or study topics that may be of interest in this context include (but are not limited to):

- (a) Estimates of vehicle miles traveled;
- (b) Estimates of current vehicle travel speeds;
- (c) Regional population and employment projections;
- (d) Regional transportation modeling assumptions;
- (e) The methodology for determining future travel

speeds;

- (f) The motor vehicle emissions model; and
- (g) The methodology for estimating future vehicle miles

traveled.

(IV) Whenever a change in air quality or transportation planning assumptions is proposed that may have a significant impact on the SIP motor vehicle emissions inventory, motor vehicle emissions budget and/or conformity determinations, the agency proposing the change must provide all of the consulting agencies an opportunity to review the basis for the proposed change. All consulting agencies shall be given at least thirty (30) days to evaluate the impact of a proposed change in planning assumptions prior to final action by the agency proposing the change. (In the case of an EPA motor vehicle emissions model change, this would occur as part of the federal rulemaking process.)

D. It shall be the affirmative responsibility of the responsible agency to maintain a complete and accurate record of all agreements, planning and programming processes, and consultation activities required under this rule and to make these documents available for public inspection upon request. In addition, it shall be the affirmative responsibility of the responsible agency to post the following information on the Mid-America Regional Council's Internet website to provide public access—

(I) The full text of any transportation or air quality document specified in subparagraph (3)(A)2.B. of this rule and undergoing public comment pending final action by the responsible agency;

(II) Summary of planning and programming processes for transportation plans, TIPs and SIPs identified in subparagraph (3)(A)2.B. of this rule, after approval by consensus of the consulting agencies; and

(III) Reasonably understandable summaries of final planning and programming documents for the general public. This summary information must be accompanied by a complete list of all supporting information, reports, studies, and texts which provide background or further information, along with the location of the documents and instructions on how they can be accessed. Summaries of



final documents shall be provided to the other consulting agencies and to the MPO within fourteen (14) days of final approval by the responsible agency. Summaries of the following documents are specifically required:

- (a) Regional unified planning work program;
- (b) Official projections of regional population and employment;
- (c) Regional transportation plan;
- (d) State transportation plans for areas within the air quality planning area but outside of the metropolitan planning area for transportation;
- (e) Regional transportation improvement program;
- (f) State transportation improvement program for areas within the air quality planning area but outside of the metropolitan planning area for transportation;
- (g) State air quality plan and emissions inventories, including motor vehicle emissions budgets; and
- (h) The most recent analysis upon which a transportation/air quality conformity determination was made for a transportation plan or TIP.

3. Interagency consultation procedures: specific processes. Interagency consultation procedures shall also include the following specific processes:

A. An interagency consultation process in accordance with paragraph (3)(A)2. of this rule involving the MPO, the regional transportation policy advisory committee, the regional air quality advisory organization, the state transportation and air quality agencies, EPA, FHWA and FTA shall be undertaken for the following:

(I) Evaluating and choosing a model (or models) and associated methods and assumptions to be used in hot-spot analyses and regional emissions analyses;

(II) Determining which minor arterials and other transportation projects should be considered "regionally significant" for the purposes of regional emissions analysis (in addition to those functionally classified as principal arterial or higher or fixed guideway systems or extensions that offer an alternative to regional highway travel), and which projects should be considered to have a significant change in design concept and scope from the transportation plan or TIP. This process shall be initiated by the MPO and conducted in accordance with subparagraph (3)(A)2.C. of this rule regarding changes in planning assumptions;

(III) Evaluating whether projects otherwise exempted from meeting the requirements of 40 CFR 93.126 and 93.127 should be treated as non-exempt in cases where potential adverse emissions impacts may exist for any reason. This process shall be initiated by the MPO and conducted in accordance with subparagraph (3)(A)2.B. of this rule in the context of the transportation planning and TIP programming processes;

(IV) Developing a list of TCMs to be included in the applicable implementation plan. This process shall be initiated by the MPO and conducted in accordance with subparagraph (3)(A)2.B. of this rule in the context of the state air quality implementation plan development process;

(V) Making a determination, as required by 40 CFR 93.113(c)(1), whether past obstacles to implementation of TCMs which are behind the schedule established in the applicable implementation plan have been identified and are being overcome, and whether state and local agencies with influence over approvals or funding for TCMs are giving maximum priority to approval or funding for TCMs. This process shall be initiated by the MPO and conducted in accordance with subparagraph (3)(A)2.B. of this rule in the context of the transportation planning and TIP programming processes. This process shall also consider whether delays in TCM implementation necessitate revisions to the applicable implementation plan to remove TCMs or substitute TCMs or other emission reduction measures;

(VI) Notification of transportation plan or TIP revisions or amendments which merely add or delete exempt projects listed in 40

CFR 93.126 or 40 CFR 93.127. This process shall be initiated by the MPO and conducted in accordance with subparagraph (3)(A)2.B. of this rule in the context of the transportation planning and TIP programming processes. The MPO shall notify all conformity consulting agencies in writing within seven (7) calendar days after taking action to approve such exempt projects. The notification shall include enough information about the exempt projects for the consulting agencies to determine their agreement or disagreement that the projects are exempt under 40 CFR 93.126 or 40 CFR 93.127;

(VII) Determining whether the project is included in the regional emissions analysis supporting the current conforming TIP's conformity determination, even if the project is not strictly included in the TIP for purposes of MPO project selection or endorsement, and whether the project's design concept and scope have not changed significantly from those which were included in the regional emissions analysis, or in a manner which would significantly impact use of the facility. This process shall be initiated by the MPO and conducted in accordance with paragraph (3)(A)2. of this rule in the context of the TIP programming process;

(VIII) Determining what forecast of vehicle miles traveled (VMT) to use in establishing or tracking emissions budgets, developing transportation plans, TIPs, or applicable implementation plans, or making conformity determinations. This process shall be initiated by the MPO and conducted in accordance with subparagraph (3)(A)2.C. of this rule regarding planning assumptions;

(IX) Determining the definition of reasonable professional practice for the purposes of 40 CFR 93.122. This process shall be initiated by the MPO and conducted in accordance with subparagraph (3)(A)2.C. of this rule regarding planning assumptions;

(X) Determining whether the project sponsor or the MPO has demonstrated that the requirements of 40 CFR 93.118 are satisfied without a particular mitigation or control measure, as provided in 40 CFR 93.125(d). This process shall be initiated by the MPO and conducted in accordance with subparagraph (3)(A)2.B. of this rule in the context of the transportation planning and TIP programming processes; and

(XI) Choosing conformity tests and methodologies for isolated rural nonattainment and maintenance areas, as required by 40 CFR 93.109(I)(2).

B. An interagency consultation process in accordance with paragraph (3)(A)2. of this rule involving the MPO, the regional air quality advisory organization, the regional transportation policy advisory committee and the state air quality and transportation agencies for the following:

(I) Evaluating events which will trigger new conformity determinations in addition to those triggering events established in 40 CFR 93.104. This process shall be initiated by the MPO and conducted in accordance with subparagraph (3)(A)2.C. of this rule; and

(II) Consulting on emissions analysis for transportation activities which cross the borders of the MPOs or nonattainment or maintenance area or air basin. This process shall be initiated by the MPO and conducted in accordance with subparagraph (3)(A)2.B. of this rule.

C. Prior to establishing a metropolitan planning area for transportation planning that does not include the entire nonattainment or maintenance area, the interagency consultation process described in paragraph (3)(A)2. of this rule shall be supplemented by a formal memorandum of agreement, incorporated in the applicable state implementation plan, executed by the MPO and the state air quality and transportation agencies for cooperative planning and analysis. This executed memorandum of agreement shall specify procedures for determining conformity of all regionally significant transportation projects outside the metropolitan planning boundary for transportation planning and within the nonattainment or maintenance area.

(I) The interagency consultation process established by the executed memorandum of agreement for such an area shall apply in addition to all other consultation requirements.

(II) At a minimum, any memorandum of agreement establishing a state transportation planning area outside of the MPO metropolitan planning area for transportation planning, but within the nonattainment or maintenance area, shall provide for state air quality agency concurrence in conformity determinations for areas outside of the metropolitan planning boundary for transportation planning, but within the nonattainment or maintenance area. Such agreement shall also establish a process involving the MPO and the state transportation agency in cooperative planning and analysis for determining conformity of all projects outside the metropolitan planning area for transportation planning and within the nonattainment or maintenance area in the context of the total regional transportation system that serves the nonattainment or maintenance area.

D. An interagency consultation process shall be undertaken to ensure that plans for construction of regionally significant projects which are not FHWA/FTA projects (including projects for which alternative locations, design concept and scope, or the no-build option are still being considered), including those by recipients of funds designated under Title 23 U.S.C. or Title 49 U.S.C., are disclosed to the MPO on a regular basis, and to ensure that any changes to those plans are immediately disclosed. This process shall be initiated by the MPO and conducted in accordance with subparagraph (3)(A)2.B. of this rule in the context of the transportation planning and TIP programming processes. At a minimum, the disclosure procedures shall meet the requirements of parts (3)(A)2.D.(I)–(3)(A)2.D.(III) of this rule.

(I) The sponsor of any such regionally significant project, and any agency that becomes aware of any such project through applications for approval, permitting or funding shall disclose such project to the MPO in a timely manner. Such disclosure shall be made not later than the first occasion when any of the following actions is sought: any policy board action necessary for the project to proceed, the issuance of administrative permits for the facility or for construction of the facility, the execution of a contract to design or construct the facility, the execution of any indebtedness for the facility, any final action of a board, commission or administrator authorizing or directing employees to proceed with design, permitting or construction of the project, or the execution of any contract to design or construct or any approval needed for any facility that is dependent on the completion of a regionally significant project. The sponsor of any potential regionally significant project shall disclose to the MPO each project for which alternatives have been identified through the National Environmental Policy Act (NEPA) process, and, in particular, any preferred alternative that may be a regionally significant project. This information shall be provided to the MPO in accordance with the time sequence and procedures established under subparagraph (3)(A)2.B. of this rule for each transportation planning and TIP development process.

(II) In the case of any such regionally significant project that has not been disclosed to the MPO and other agencies participating in the consultation process before action is taken to adopt or approve, such regionally significant project shall be deemed not to be included in the regional emissions analysis supporting the currently conforming TIP's conformity determination and not to be consistent with the motor vehicle emissions budget in the applicable implementation plan, for the purposes of 40 CFR 93.121.

(III) For the purposes of subparagraph (3)(A)3.D. of this rule, the phrase "adopt or approve of a regionally significant project" means the first time any action necessary to authorizing a project occurs, such as any policy board action necessary for the project to proceed, the issuance of administrative permits for the facility or for construction of the facility, the execution of a contract to construct the facility, any final action of a board, commission or administrator authorizing or directing employees to proceed with construction of the project, or any written decision or authorization from the MPO that the project may be adopted or approved.

E. This interagency consultation process shall be undertaken in accordance with subsection (3)(A) of this rule involving the MPO

and other recipients of funds designated under Title 23 U.S.C. or Title 49 U.S.C. for assuming the location and design concept and scope of projects which are disclosed to the MPO as required by subparagraph (3)(A)3.D. of this rule but whose sponsors have not yet decided these features in sufficient detail to perform the regional emissions analysis according to the requirements of 40 CFR 93.122. This process shall be initiated by the MPO and conducted in accordance with subparagraph (3)(A)2.C. of this rule as it relates to planning assumptions.

F. This interagency consultation process outlined in paragraph (3)(A)2. of this rule involves the MPO, the regional transportation policy advisory committee, the regional air quality advisory organization, and the state transportation and air quality agencies shall be undertaken for the design, schedule, and funding of research and data collection efforts and regional transportation model development by the MPO (e.g., household/travel transportation surveys). This process shall be initiated by the MPO and conducted in accordance with subparagraph (3)(A)2.C. of this rule as it relates to planning assumptions.

G. This process insures providing final documents (including applicable implementation plans and implementation plan revisions) and supporting information to each agency after approval or adoption. This process is applicable to all agencies described in subparagraph (3)(A)1.A. of this rule, including federal agencies.

#### 4. Resolving conflicts.

A. Any conflict among state agencies or between state agencies and the MPO regarding a final action on any conformity determination by the MPO on a plan or program subject to these consultation requirements shall be escalated to the governor(s), if the conflict cannot be resolved by the heads of the involved agencies. Such agencies shall make every effort to resolve any differences, including personal meetings between the heads of such agencies or their policy-level representatives, to the extent possible.

B. After the MPO has notified the state air quality agencies in writing of the disposition of all air quality agency comments on a proposed conformity determination, state air quality agencies shall have fourteen (14) calendar days from the date that the written notification is received to appeal such proposed determination of conformity to the governor of Missouri. If the Missouri air quality agency appeals to the governor of Missouri, the final conformity determination will automatically become contingent upon concurrence of the governor of Missouri. If the Kansas air quality agency presents an appeal to the governor of Missouri regarding a conflict involving both Kansas and Missouri agencies or the MPO, the final conformity determination will automatically become contingent upon concurrence of both the governor of Missouri and the governor of Kansas. The Missouri air quality agency shall provide notice of any appeal under this subsection to the MPO, and the state transportation agencies, and the Kansas air quality agency. If neither state air quality agency appeals to the governor(s) within fourteen (14) days of receiving written notification, the MPO may proceed with the final conformity determination.

C. The governor may delegate the role of hearing any such appeal under this paragraph and of deciding whether to concur in the conformity determination to another official or agency within the state, but not to the head or staff of the state air quality agency or any local air quality agency, the state department of transportation, a state transportation commission or board, any agency that has responsibility for only one (1) of these functions, or an MPO.

5. Public consultation procedures. Affected agencies making conformity determinations on transportation plans, programs, and projects shall establish a proactive public involvement process which provides opportunity for public review and comment by, at a minimum, providing reasonable public access to technical and policy information considered by the agency at the beginning of the public comment period and prior to taking formal action on a conformity determination for all transportation plans and TIPs, consistent with these requirements and those of 23 CFR 450.316(b). Any charges

imposed for public inspection and copying should be consistent with the fee schedule contained in 49 CFR 7.43. In addition, these agencies must specifically address in writing all public comments that known plans for a regionally significant project which is not receiving FHWA or FTA funding or approval have not been properly reflected in the emissions analysis supporting a proposed conformity finding for a transportation plan or TIP. These agencies shall also provide opportunity for public involvement in conformity determinations for projects where otherwise required by law.

(B) Requirement to Fulfill Commitments to Control Measures (Federal Code Location: 40 CFR 93.122(a)(4)(ii)). Written commitments to control measures that are not included in the transportation plan and TIP must be obtained from the entity or entities with authority and ability to implement the control measures prior to a conformity determination and such commitments must be fulfilled.

(C) Requirement to Fulfill Commitments to Mitigation Measures (Federal Code Location: 40 CFR 93.125(c)). Written commitments to project-level mitigation measures which are conditions for making conformity determinations for a transportation plan or transportation improvement program must be obtained from the project sponsor prior to a positive conformity determination. Project sponsors committing to mitigation measures to facilitate positive conformity determinations must comply with such commitments.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 10—Air Conservation Commission**  
**Chapter 3—Air Pollution Control Rules Specific to the**  
**Outstate Missouri Area**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

**10 CSR 10-3.090 Restriction of Emission of Odors is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2007 (32 MoReg 39-40). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The Missouri Department of Natural Resources' Air Pollution Control Program received three (3) comments from two (2) sources, the Interdisciplinary Environmental Clinic at Washington University in St. Louis representing CLEAN (Citizens Legal Environmental Action Network) and Friends of Agriculture for the Reform of Missouri Environmental Regulations (FARMER).

**COMMENT:** CLEAN presented both oral and written testimony on the proposed amendment. Due to the similar nature of the testimony this comment summarizes both. CLEAN commented that the change in the screening standard from a dilution ratio of 5.4:1 to a ratio of 7:1 seems inappropriate when odor problems continue to threaten the health and quality of life of rural Missourians. This change is a decrease or relaxation in stringency. CLEAN also requests that the commission adopt the following additional changes to the odor regulations: remove the overly burdensome requirement for additional, outside testing to determine an odor violation related to concentrated animal feeding operations (CAFOs); extend statewide and to the CAFO context the approach currently used in the St. Louis area regulations to protect residential and other sensitive areas affected by offensive odors; specifically, the commission should establish a 2:1 dilution threshold for odors affecting Missourians at their

homes; require entities that generate offensive odors to do more to prevent such odors from occurring; and for CAFOs, this would mean to revise and update their odor control plans every five (5) years and following a violation of the odor standard. CLEAN did recognize the recently formed odor workgroup to examine the current odor regulations.

**RESPONSE:** The changes made to the rule are consistent with the agreement that the commission reached with FARMER in settlement of the lawsuit that FARMER brought against the commission. The department's Air Pollution Control Program is responding to the concerns that CLEAN has about the odor regulations and to their petition by convening the odor workgroup. The odor workgroup will examine the state's odor regulations to determine if changes are necessary. Therefore, no wording changes have been made as a result of this comment.

**COMMENT:** FARMER commented in support of the change from 5.4:1 to 7:1 for the screening threshold. They also do not oppose the use of the nasal ranger without contacting the source for approval. They do request that the industry would like to be notified when samples are to be taken. FARMER had no comment on the change to the American Society for Testing and Materials. FARMER did recognize the recently formed odor workgroup to examine the current odor regulations.

**RESPONSE:** The changes made to the rule are consistent with the agreement that the commission reached with FARMER in settlement of the lawsuit that FARMER brought against the commission. Therefore, no wording changes have been made as a result of this comment.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 10—Air Conservation Commission**  
**Chapter 4—Air Quality Standards and Air Pollution**  
**Control Regulations for the Springfield-Greene County**  
**Area**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

**10 CSR 10-4.070 Restriction of Emission of Odors is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2007 (32 MoReg 40-41). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The Missouri Department of Natural Resources' Air Pollution Control Program received three (3) comments from two (2) sources, the Interdisciplinary Environmental Clinic at Washington University in St. Louis representing CLEAN (Citizens Legal Environmental Action Network) and Friends of Agriculture for the Reform of Missouri Environmental Regulations (FARMER).

**COMMENT:** CLEAN presented both oral and written testimony on the proposed amendment. Due to the similar nature of the testimony this comment summarizes both. CLEAN commented that the change in the screening standard from a dilution ratio of 5.4:1 to a ratio of 7:1 seems inappropriate when odor problems continue to threaten the health and quality of life of rural Missourians. This change is a decrease or relaxation in stringency. CLEAN also requests that the commission adopt the following additional changes



to the odor regulations: remove the overly burdensome requirement for additional, outside testing to determine an odor violation related to concentrated animal feeding operations (CAFOs); extend statewide and to the CAFO context the approach currently used in the St. Louis area regulations to protect residential and other sensitive areas affected by offensive odors; specifically, the commission should establish a 2:1 dilution threshold for odors affecting Missourians at their homes; require entities that generate offensive odors to do more to prevent such odors from occurring; and for CAFOs, this would mean to revise and update their odor control plans every five (5) years and following a violation of the odor standard. CLEAN did recognize the recently formed odor workgroup to examine the current odor regulations.

RESPONSE: The changes made to the rule are consistent with the agreement that the commission reached with FARMER in settlement of the lawsuit that FARMER brought against the commission. The department's Air Pollution Control Program is responding to the concerns that CLEAN has about the odor regulations and to their petition by convening the odor workgroup. The odor workgroup will examine the state's odor regulations to determine if changes are necessary. Therefore, no wording changes have been made as a result of this comment.

COMMENT: FARMER commented in support of the change from 5.4:1 to 7:1 for the screening threshold. They also do not oppose the use of the nasal ranger without contacting the source for approval. They do request that the industry would like to be notified when samples are to be taken. FARMER had no comment on the change to the American Society for Testing and Materials. FARMER did recognize the recently formed odor workgroup to examine the current odor regulations.

RESPONSE: The changes made to the rule are consistent with the agreement that the commission reached with FARMER in settlement of the lawsuit that FARMER brought against the commission. Therefore, no wording changes have been made as a result of this comment.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 10—Air Conservation Commission**  
**Chapter 5—Air Quality Standards and Air Pollution**  
**Control Rules Specific to the St. Louis Metropolitan**  
**Area**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

**10 CSR 10-5.160 Control of Odors in the Ambient Air**  
**is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2007 (32 MoReg 41–42). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received three (3) comments from two (2) sources, the Interdisciplinary Environmental Clinic at Washington University in St. Louis representing CLEAN (Citizens Legal Environmental Action Network) and Friends of Agriculture for the Reform of Missouri Environmental Regulations (FARMER).

COMMENT: CLEAN presented both oral and written testimony on the proposed amendment. Due to the similar nature of the testimony

this comment summarizes both. CLEAN commented that the change in the screening standard from a dilution ratio of 5.4:1 to a ratio of 7:1 seems inappropriate when odor problems continue to threaten the health and quality of life of rural Missourians. This change is a decrease or relaxation in stringency. CLEAN also requests that the commission adopt the following additional changes to the odor regulations: remove the overly burdensome requirement for additional, outside testing to determine an odor violation related to concentrated animal feeding operations (CAFOs); extend statewide and to the CAFO context the approach currently used in the St. Louis area regulations to protect residential and other sensitive areas affected by offensive odors; specifically, the commission should establish a 2:1 dilution threshold for odors affecting Missourians at their homes; require entities that generate offensive odors to do more to prevent such odors from occurring; and for CAFOs, this would mean to revise and update their odor control plans every five (5) years and following a violation of the odor standard. CLEAN did recognize the recently formed odor workgroup to examine the current odor regulations.

RESPONSE: The changes made to the rule are consistent with the agreement that the commission reached with FARMER in settlement of the lawsuit that FARMER brought against the commission. The department's Air Pollution Control Program is responding to the concerns that CLEAN has about the odor regulations and to their petition by convening the odor workgroup. The odor workgroup will examine the state's odor regulations to determine if changes are necessary. Therefore, no wording changes have been made as a result of this comment.

COMMENT: FARMER commented in support of the change from 5.4:1 to 7:1 for the screening threshold. They also do not oppose the use of the nasal ranger without contacting the source for approval. They do request that the industry would like to be notified when samples are to be taken. FARMER had no comment on the change to the American Society for Testing and Materials. FARMER did recognize the recently formed odor workgroup to examine the current odor regulations.

RESPONSE: The changes made to the rule are consistent with the agreement that the commission reached with FARMER in settlement of the lawsuit that FARMER brought against the commission. Therefore, no wording changes have been made as a result of this comment.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 10—Air Conservation Commission**  
**Chapter 5—Air Quality Standards and Air Pollution**  
**Control Rules Specific to the St. Louis Metropolitan**  
**Area**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

**10 CSR 10-5.480 is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2006 (31 MoReg 1965–1990). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received comments on the proposed amendment from one (1) source: the U.S. Environmental Protection Agency (EPA).

COMMENT: EPA commented that in the rule purpose the reference to Clean Air Act section 176(c) should read section 176(c)(4)(E) as amended by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU).

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program has made the recommended reference revision.

COMMENT: EPA suggested that clarifying language be added to subsection (1)(B) that the rule addresses and gives full legal effect to the three (3) requirements of the Federal Transportation Conformity Rule regarding consultation procedures, written commitments to control measures, and written commitments to mitigation measures.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program has added the additional clarifying language.

COMMENT: EPA suggested that section (2)—1) incorporate by reference the definitions in subsection 40 CFR (Code of Federal Regulations) 93.101 of 40 CFR 93 Subpart A, 2) list participants in the interagency consultation process; and 3) include the identity and definition of the metropolitan planning organization.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program has organized section (2) definitions as suggested.

COMMENT: EPA suggested that clarifying language be added at the end of subparagraph (3)(A)2.A. to read — and associated conformity determinations.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program has added the additional clarifying language.

COMMENT: EPA suggested that, in paragraph (3)(A)6. Missouri use verbatim the language from 40 CFR 93.105 of the Federal Transportation Conformity Rule regarding the Public Consultation Procedures.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program has used verbatim the language from 40 CFR 93.105 of the Federal Transportation Conformity Rule regarding the Public Consultation Procedures in paragraph (3)(A)6.

COMMENT: EPA suggested that in subsection (3)(B) Requirement to Fulfill Commitments to Control Measures that language be added that entities have ability and authority to implement control measures.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program has added the suggested language.

COMMENT: EPA suggested that in subsection (3)(C) Requirement to Fulfill Commitments to Mitigation Measures that language be added that project sponsors committing to mitigation measures to facilitate positive conformity determinations must comply with such written commitments.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program has added the suggested language.

COMMENT: EPA commented that the rule indicates that there will be a meeting to review planning assumptions in August of each year and that the department's Air Pollution Control Program should confirm that August is still the appropriate month for the meeting.

RESPONSE: The August meeting to review planning assumptions is applicable and specific to the Kansas City Area Transportation Conformity Rule. No wording changes have been made to the proposed rulemaking as a result of this comment.

## 10 CSR 10-5.480 St. Louis Area Transportation Conformity Requirements

*PURPOSE: This rule implements section 176(c)(4)(E) of the Clean Air Act (CAA), as amended (42 U.S.C. 7401-7671q.), and the related requirements of 23 U.S.C. 109(j), with respect to the conformity of transportation plans, programs, and projects which are developed, funded, or approved by the United States Department of Transportation (DOT), and by metropolitan planning organizations (MPOs) or other recipients of funds under Title 23 U.S.C. or the Federal Transit Laws (49 U.S.C. Chapter 53). This rule sets forth policy, criteria, and procedures for demonstrating and assuring conformity of such activities to the applicable implementation plan, developed pursuant to section 110 and Part D of the CAA. This rule applies to the St. Louis ozone and PM<sub>2.5</sub> nonattainment and carbon monoxide maintenance areas.*

*PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.*

### (1) Applicability.

(A) This rule applies to the St. Louis ozone and PM<sub>2.5</sub> nonattainment and carbon monoxide maintenance areas.

(B) This rule meets the requirements for state transportation conformity state implementation plans as provided in section 6011(f)(4) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users. This regulation addresses and gives full legal effect to the following three (3) requirements of the Federal Transportation Conformity Rule, 40 CFR part 93 subpart A: 1) 40 CFR 93.105, which addresses consultation procedures; 2) 40 CFR 93.122(a)(4)(ii), which states that conformity plans must require written commitments to control measures to be obtained prior to a conformity determination if the control measures are not included in a metropolitan planning organization's transportation plan and transportation improvement program, and that such commitments be fulfilled; and 3) 40 CFR 93.125(c), which states that conformity plans must require written commitments to mitigation measures to be obtained prior to a project-level conformity determination, and that project sponsors comply with such commitments.

### (2) Definitions.

(A) Definitions for key words and phrases used in this rule may be found in subsection 40 CFR 93.101 of 40 CFR 93 Subpart A, promulgated as of July 1, 2006, which is hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, D.C. 20408. This rule does not incorporate any subsequent amendments or additions.

(B) Participants in the interagency consultation process must include the following public agencies:

1. City of St. Louis Department of Health Air Pollution Control Program;
2. East-West Gateway Council of Governments;
3. Federal Highway Administration, Illinois Division;
4. Federal Highway Administration, Missouri Division;
5. Federal Transit Administration, Region 7;
6. Illinois Department of Transportation;
7. Illinois Environmental Protection Agency;
8. Madison County Highway Department;
9. Madison County Transit District;
10. Metro (Bi-State Development Agency);



11. Missouri Department of Natural Resources' Air Pollution Control Program;
12. Missouri Department of Transportation;
13. St. Clair County Department of Roads and Bridges;
14. St. Clair County Transit District;
15. St. Louis County Department of Health;
16. St. Louis County Department of Highways;
17. U.S. Environmental Protection Agency, Region 5; and
18. U.S. Environmental Protection Agency, Region 7.

(C) Metropolitan planning organization (MPO)—That organization designated as being responsible, together with the state, for conducting the continuing, cooperative, and comprehensive planning process under 23 U.S.C. 134 and 49 U.S.C. 5303. It is the forum for cooperative transportation decision-making. The East-West Gateway Council of Governments is the MPO for the St. Louis metropolitan area and the organization responsible for conducting the planning required under section 174 of the CAA.

(D) Definitions of certain terms specified in this rule, other than those defined in this rule section, may be found in 10 CSR 10-6.020.

(3) General Provisions.

(A) Interagency Consultation Procedures (Federal Code Location: 40 CFR 93.105).

1. General. Procedures for interagency consultation (federal, state and local), resolution of conflicts, and public consultation are described in paragraphs (3)(A)1.–(3)(A)6. of this rule. Public consultation procedures meet the requirements for public involvement in 23 CFR part 450.

A. The implementation plan revision required shall include procedures for interagency consultation (federal, state, and local), resolution of conflicts, and public consultation as described in paragraphs (3)(A)1.–(3)(A)6. of this rule. Public consultation procedures will be developed in accordance with the requirements for public involvement in 23 CFR part 450.

B. MPOs and state departments of transportation will provide reasonable opportunity for consultation with state air agencies, local air quality and transportation agencies, Department of Transportation (DOT), and U.S. Environmental Protection Agency (EPA), including consultation on the issues described in subparagraph (3)(A)3.A. of this rule, before making conformity determinations.

2. Interagency consultation procedures—General factors.

A. Representatives of the MPO, state and local air quality planning agencies, state and local transportation agencies shall undertake an interagency consultation process in accordance with this section with each other and with local or regional offices of the EPA, Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) on the development of the implementation plan, the list of Transportation Control Measures (TCMs) in the applicable implementation plan, the unified planning work program under 23 CFR section 450.314, the transportation plan, the Transportation Improvement Plan (TIP), and any revisions to the preceding documents and associated conformity determinations.

B. The state air quality agency shall be the lead agency responsible for preparing the final document or decision and for assuring the adequacy of the interagency consultation process as required by this section with respect to the development of the applicable implementation plans and control strategy implementation plan revisions and the list of TCMs in the applicable implementation plan. The MPO shall be the lead agency responsible for preparing the final document or decision and for assuring the adequacy of the interagency consultation process as required by this section with respect to any determinations of conformity under this rule for which the MPO is responsible.

C. In addition to the lead agencies identified in subparagraph (3)(A)2.B. of this rule, other agencies entitled to participate in any interagency consultation process under this rule include:

(I) The Illinois Department of Transportation, the Missouri Department of Transportation, the Federal Highway Administration, the Federal Transit Administration, the U.S. Environmental Protection Agency, the Illinois Environmental Protection Agency and the Missouri Department of Natural Resources;

(II) Local transportation agencies through the appointment of one (1) representative from local transportation agency interests on the Illinois side of the St. Louis area and the appointment of one (1) representative from local transportation agency interests on the Missouri side of the St. Louis area. The MPO and the Illinois Department of Transportation shall jointly appoint the Illinois representative, and the MPO and Missouri Department of Transportation shall jointly appoint the Missouri representative;

(III) Local air quality agencies through the appointment of one (1) representative from each of the two (2) local air quality agencies. The MPO and the Missouri Department of Natural Resources shall jointly appoint the local air quality agency representatives; and

(IV) Local mass transit agencies through the appointment of one (1) representative from local mass transit agency interests on the Illinois side of the St. Louis area and the appointment of one (1) representative from local mass transit agency interests on the Missouri side of the St. Louis area. The MPO and the Illinois Department of Transportation shall jointly appoint the Illinois representative, and the MPO and Missouri Department of Transportation shall jointly appoint the Missouri representative;

(V) Nothing in this paragraph shall preclude the authority of the lead agency listed in subparagraph (3)(A)2.B. of this rule to involve additional agencies in the consultation process which are directly impacted by any project or action subject to this rule;

(VI) Representatives appointed under parts (3)(A)2.C.(II)–(3)(A)2.C.(V) of this rule shall not come from an agency already represented as a consulting agency under this section.

D. It shall be the responsibility of the appropriate lead agency designated in subparagraph (3)(A)2.B. of this rule to solicit early and continuing input from all other consulting agencies, to provide those agencies with all relevant information needed for meaningful input and, where appropriate, to assure policy-level contact with those agencies. The lead agency shall, at a minimum, provide opportunities for discussion and comment in accordance with the interagency consultation procedures detailed in this section. The lead agency shall consider the views of each other consulting agency prior to making a final decision, shall respond in writing to those views and shall assure that such views and response (or where appropriate a summary thereof) are made part of the record of any decision or action.

E. It shall be the responsibility of each agency listed in subparagraph (3)(A)2.C. of this rule (other than the lead agency designated under subparagraph (3)(A)2.B. of this rule) to confer with the lead agency and the other participants in the consultation process, to review and make relevant comment on all proposed and final documents and decisions in a timely manner and to attend consultation and decision meetings. To the extent requested by the lead agency or other agencies involved, or as required by other provisions of this rule, each agency shall provide timely input on any area of substantive expertise or responsibility (including planning assumptions, modeling, information on status of TCM implementation, and interpretation of regulatory or other requirements), and shall comply with any reasonable request to render such technical assistance to the lead agency as may be needed to support the development of the document or decision.

F. For documents or decisions subject to this rule for which the MPO is the designated lead agency, the MPO shall, through the regular meetings of its board of directors and committees, be the primary forum for discussion at the policy level. The MPO shall ensure that all consulting agencies are provided with opportunity to participate throughout the decision-making process including the early

planning stages. The MPO shall modify or supplement its normal schedule of meetings, if needed, to provide adequate opportunity for discussion of the matters subject to this rule.

G. It shall be the responsibility of the lead agency designated under subparagraph (3)(A)2.B. of this rule to initiate the consultation process by notifying other consulting agencies of the following:

(I) The decision(s) or document(s) for which consultation is being undertaken; and

(II) The proposed planning or programming process for the development of the decision(s) or document(s). The proposed planning or programming process shall include at a minimum:

(a) The roles and responsibilities of each agency at each stage in the planning process, including technical as well as policy aspects;

(b) The organizational level of regular consultation;

(c) The proposed schedule of, or process for convening, consultation meetings, including the process and assignment of responsibilities for selecting a chairperson and setting meeting agendas;

(d) The process for circulating or otherwise making available all relevant materials in a timely fashion at each stage in the consultation process, and in particular for circulating or otherwise making available drafts of proposed documents or decisions before formal adoption or publication;

(e) The process and assignment of responsibility for maintaining an adequate record of the consultation process; and

(f) The process for responding to the significant comments of involved agencies;

(III) The consultation planning and programming process to be followed for each document or decision subject to this rule shall be determined by consensus among the consulting agencies and shall thereafter be binding on all parties until such time as it may be revised by consensus among the consulting agencies.

H. All drafts and supporting materials subject to consultation shall be provided at such level of detail as each consulting agency may need to determine its response. Any consulting agency may request, and the appropriate lead agency shall supply, supplemental information as is reasonably available for the consulting agency to determine its response.

I. The time allowed at each stage in the consultation process shall not be less than that specified by regulation or this rule, published by the lead agency in any document describing the consultation procedures to be followed under 23 CFR part 450, 40 CFR part 51 or this rule, or otherwise previously agreed by consensus of the consulting agencies. Where no such time has been specified, published or agreed to, the time shall be determined by consensus of the consulting agencies based upon the amount of material subject to consultation, the extent of prior informal or technical consultation and discussion, the nature of the decision to be made, and such other factors as are previously agreed by the consulting agencies. The time allowed for consultation shall be the same for all agencies being consulted, and any extension of time granted to one (1) agency shall also be allowed all other agencies.

J. Determining the adequacy of consultation opportunities.

(I) Representatives of the consulting agencies listed in subparagraph (3)(A)2.C. of this rule shall meet once each calendar year for the purpose of reviewing the sequence and adequacy of the consultation planning and programming processes established or proposed under subparagraph (3)(A)2.G. of this rule for each type of document or decision. Responsibility for convening this meeting shall rest with the appropriate lead agency designated in subparagraph (3)(A)2.B. of this rule.

(II) In any year (other than the first after the adoption of this rule) in which there is an agreed upon consultation planning or programming process in effect and no consulting agency has requested any change to that process, the appropriate lead agency may propose that this process remain in effect. Upon notification of acceptance of this proposal by all consulting agencies, no further action by

the lead agency shall be required and the meeting and review required under part (3)(A)2.J.(I) of this rule need not take place for that year.

K. The consultation planning and programming processes proposed and agreed to under subparagraph (3)(A)2.G. of this rule shall comply with the following general principles:

(I) Consultation shall be held early in the planning process, so as to facilitate sharing of information needed for meaningful input and to allow the consulting agencies to confer with the lead agency during the formative stages of developing any document or decision subject to this rule;

(II) For conformity determinations for transportation plan revisions or TIPs, the consultation process shall, at a minimum, specifically include opportunities for the consulting agencies to confer upon the analysis required to make conformity determinations. This consultation shall normally take place at the technical level, except to the extent agreed by consensus under subparagraph (3)(A)2.J. of this rule, and shall take place prior to the consideration of draft documents or conformity determinations by the MPO;

(III) For state implementation plans, the consultation process shall, at a minimum, specifically include opportunities for the consulting agencies to confer upon the motor vehicle emissions budget. This consultation shall take place at the technical and policy levels, except to the extent agreed by consensus under subparagraph (3)(A)2.J. of this rule, and shall take place prior to the consideration of the draft budget by the state air quality agency;

(IV) In addition to the requirements of parts (3)(A)2.K.(II)–(3)(A)2.K.(III) of this rule, if TCMs are to be considered in transportation plans, TIPs or state implementation plans, specific opportunities to consult regarding TCMs by air quality and transportation agencies must be provided prior to the consideration of the TCMs by the appropriate lead agency; and

(V) Additional consultation opportunities must be provided prior to any final action being taken by any of the lead agencies defined in subparagraph (3)(A)2.B. of this rule on any document or decision subject to this rule. Before taking formal action to approve any plan, program, document or other decision subject to this rule, the consulting agencies shall be given an opportunity to communicate their views in writing to the lead agency. The lead agency shall consider those views and respond in writing in a timely and appropriate manner prior to any final action. Such views and written response shall be made part of the record of the final decision or action. Opportunities for formal consulting agency comment may run concurrently with other public review time frames.

L. Consultation on planning assumptions.

(I) The MPO shall convene a meeting of the consulting agencies listed in subparagraph (3)(A)2.C. of this rule no less frequently than once each calendar year for the purpose of reviewing the planning, transportation and air quality assumptions, and models and other technical procedures in use or proposed to be used for the state implementation plan (SIP) motor vehicle emissions inventory, motor vehicle emissions budget, and conformity determinations. This meeting shall normally take place at the technical level except to the extent agreed by consensus under subparagraph (3)(A)2.J. of this rule.

(II) In all years when it is intended to determine the conformity of a transportation plan revision or TIP, the meeting required in part (3)(A)2.L.(I) of this rule shall be held before the MPO commences the evaluation of projects submitted or proposed for inclusion in the transportation plan revision or TIP, and before the annual public meeting held in accordance with 23 CFR section 450.322(c). The MPO shall consider the views of all consulting agencies before making a decision on the latest planning assumptions to be used for conformity determinations. The state air quality agencies shall consider the views of all consulting agencies before making a decision on the latest planning assumptions to be used for developing the SIP motor vehicle emissions inventory, motor vehicle emissions budget and for estimating the emissions reductions associated with TCMs.

(III) It shall be the responsibility of each of the consulting agencies to advise the MPO of any pending changes to their planning

assumptions or methods and procedures used to estimate travel, forecast travel demand, or estimate motor vehicle emissions. Where necessary the MPO shall convene meetings, additional to that required under part (3)(A)2.L.(I) of this rule, to share information and evaluate the potential impacts of any proposed changes in planning assumptions, methods or procedures and to exchange information regarding the timetable and scope of any upcoming studies or analyses that may lead to future revision of planning assumptions, methods or procedures.

(IV) Whenever a change in air quality or transportation planning assumptions, methods or procedures is proposed that may have a significant impact on the SIP motor vehicle emissions inventory, motor vehicle emissions budget or conformity determinations, the agency proposing the change shall provide the consulting agencies an opportunity to review the basis for the proposed change. All consulting agencies shall be given at least thirty (30) days to evaluate the impact of the proposed change prior to final action by the agency proposing the change. To the fullest extent practicable, the time frame for considering and evaluating proposed changes shall be coordinated with the procedures for consultation on planning assumptions in parts (3)(A)2.L.(I)–(3)(A)2.L.(III) of this rule.

M. A meeting that is scheduled or required for another purpose may be used for the purposes of consultation if the consultation purpose is identified in the public notice for the meeting and all consulting agencies are notified in advance of the meeting.

N. In any matter which is the subject of consultation, no consulting agency may make a final decision or move to finally approve a document subject to this rule until the expiry of the time allowed for consultation and the completion of the process notified under subparagraph (3)(A)2.G. of this rule. Notwithstanding the previous sentence, any consulting agency may make a final decision or move to finally approve a document subject to this rule if final comments on the draft document or decision have been received from all other consulting agencies. The lead agency designated under subparagraph (3)(A)2.B. of this rule shall, in making its decision, take account of all views expressed in response to consultation.

3. Interagency consultation procedures—specific processes. Interagency consultation procedures shall also include the following specific processes:

A. An interagency consultation process in accordance with paragraph (3)(A)2. of this rule involving the MPO, state and local air quality planning agencies, state and local transportation agencies, the EPA and the DOT shall be undertaken for the following (except where otherwise provided, the MPO shall be responsible for initiating the consultation process):

(I) Evaluating and choosing a model (or models) and associated methods and assumptions to be used in hot-spot analyses and regional emissions analyses;

(II) Determining which minor arterials and other transportation projects should be considered “regionally significant” for the purposes of regional emissions analysis (in addition to those functionally classified as principal arterial or higher or fixed guideway systems or extensions that offer an alternative to regional highway travel), and which projects should be considered to have a significant change in design concept and scope from the transportation plan or TIP;

(III) Evaluating whether projects otherwise exempted from meeting the requirements of 40 CFR 93.126 and 93.127 should be treated as nonexempt in cases where potential adverse emissions impacts may exist for any reason;

(IV) Making a determination, required by 40 CFR 93.113(c)(1), whether past obstacles to implementation of TCMs which are behind the schedule established in the applicable implementation plan have been identified and are being overcome, and whether state and local agencies with influence over approvals or funding for TCMs are giving maximum priority to approval or funding for TCMs over other projects within their control. This process shall also consider whether delays in TCM implementation necessi-

tate revisions to the applicable implementation plan to remove TCMs or substitute TCMs or other emission reduction measures;

(V) Notification of transportation plan or TIP revisions or amendments which merely add or delete exempt projects listed in 40 CFR 93.126 or 40 CFR 93.127. In any year when it is intended to prepare a transportation plan revision, TIP or TIP amendment that merely adds or deletes exempt projects, the MPO shall notify all consulting agencies in writing within seven (7) calendar days after taking action to approve such exempt projects. The notification shall include enough information about the exempt projects for the consulting agencies to determine their agreement or disagreement that the projects are exempt under 40 CFR 93.126 or 40 CFR 93.127;

(VI) Determining whether a project is considered to be included in the regional emissions analysis supporting the currently conforming TIP’s conformity determination, even if the project is not strictly included in the TIP for the purposes of MPO project selection or endorsement, and whether the project’s design concept and scope have not changed significantly from those which were included in the regional emissions analysis, or in a manner which would significantly impact use of the facility;

(VII) Advising on the horizon years to be used for conformity determinations, in accordance with 40 CFR 93.106;

(VIII) Advising whether the modeling methods and functional relationships used in the model are consistent with acceptable professional practice and are reasonable for the purposes of emission estimation, as specified in 40 CFR 93.122;

(IX) Reviewing the models, databases and other requirements specified in 40 CFR 93.123 and advising if there are grounds for recommending to the EPA regional administrator that these models, databases or requirements are inappropriate. In such an event, the consulting agencies shall propose alternative methods to satisfy the requirements for conformity in accordance with 40 CFR 93.123;

(X) Determining what forecast of vehicle miles traveled to use in establishing or tracking motor vehicle emissions budgets, developing transportation plans, TIPs or applicable implementation plans, or in making conformity determinations;

(XI) Determining whether the project sponsor or the MPO has demonstrated that the requirements of 40 CFR 93.116–93.119 are satisfied without a particular mitigation or control measure, as provided in 40 CFR 93.125;

(XII) Developing a list of TCMs to be included in the applicable implementation plan; and

(XIII) Choosing conformity tests and methodologies for isolated rural nonattainment and maintenance areas, as required by 40 CFR 93.109(I)(2);

B. An interagency consultation process in accordance with paragraph (3)(A)2. involving the MPO, state and local air quality planning agencies and state and local transportation agencies for the following (except where otherwise provided, the MPO shall be responsible for initiating the consultation process):

(I) Evaluating events which will trigger new conformity determinations in addition to those triggering events established in 40 CFR 93.104. Any of the consulting agencies listed in subparagraph (3)(A)2.C. of this rule may request that the MPO initiate the interagency consultation process to evaluate an event which should, in the opinion of the consulting agency, trigger a need for a conformity determination. The MPO shall initiate appropriate consultation with the other consulting agencies in response to such request, and shall notify the consulting agencies and the requesting agency in writing of its proposed action in response to this evaluation and consultation; and

(II) Consulting on the procedures to be followed in performing emissions analysis for transportation activities which cross the borders of the MPO’s region or the St. Louis nonattainment area or air basin;

C. Consultation on nonfederal projects.

(I) An interagency consultation process in accordance with paragraph (3)(A)2. of this rule involving the MPO, state and local air



quality agencies and state and local transportation agencies shall be undertaken to ensure that plans for construction of regionally significant projects which are not FHWA/FTA projects (including projects for which alternative locations, design concept and scope, or the no-build option are still being considered), including all those by recipients of funds designated under Title 23 U.S.C. or Title 49 U.S.C., are disclosed to the MPO on a regular basis, and to assure that any changes to those plans are immediately disclosed.

(II) Notwithstanding the provisions of part (3)(A)3.A.(I) of this rule, it shall be the responsibility of the sponsor of any such regionally significant project, and of any agency that becomes aware of any such project through applications for approval, permitting or funding, to disclose such project to the MPO in a timely manner. Such disclosure shall be made not later than the first occasion on which any of the following actions is sought: any policy board action necessary for the project to proceed, the issuance of administrative permits for the facility or for construction of the facility, the execution of a contract to design or construct the facility, the execution of any indebtedness for the facility, any final action of a board, commission or administrator authorizing or directing employees to proceed with design, permitting or construction of the project, or the execution of any contract to design or construct or any approval needed for any facility that is dependent on the completion of the regionally significant project.

(III) Any such regionally significant project that has not been disclosed to the MPO in a timely manner shall be deemed not to be included in the regional emissions analysis supporting the conformity determination for the TIP and shall not be consistent with the motor vehicle emissions budget in the applicable implementation plan, for the purposes of 40 CFR 93.121.

(IV) For the purposes of this section and of 40 CFR 93.121, the phrase adopt or approve of a regionally significant project means the first time any action necessary to authorizing a project occurs, such as any policy board action necessary for the project to proceed, the issuance of administrative permits for the facility or for construction of the facility, the execution of a contract to construct the facility, any final action of a board, commission or administrator authorizing or directing employees to proceed with construction of the project, or any written decision or authorization from the MPO that the project may be adopted or approved;

D. This interagency consultation process involving the agencies specified in subparagraph (3)(A)2.C. of this rule shall be undertaken for assuming the location and design concept and scope of projects which are disclosed to the MPO as required by subparagraph (3)(A)3.C. of this rule but whose sponsors have not yet decided these features in sufficient detail to perform the regional emissions analysis according to the requirements of 40 CFR 93.122. This process shall be initiated by the MPO;

E. The MPO shall undertake an ongoing process of consultation with the agencies listed in subparagraph (3)(A)2.C. of this rule for the design, schedule, and funding of research and data collection efforts and regional transportation model development by the MPO. This process shall, as far as practicable, be integrated with the cooperative development of the Unified Planning Work Program under 23 CFR section 450.314; and

F. This process insures providing final documents (including applicable implementation plans and implementation plan revisions) and supporting information to each agency after approval or adoption. This process is applicable to all agencies described in subparagraph (3)(A)1.A. of this rule, including federal agencies.

4. Record keeping and distribution of final documents.

A. It shall be the responsibility of the lead agency designated under subparagraph (3)(A)2.B. of this rule to maintain a complete and accurate record of all agreements, planning and programming processes, and consultation activities required under this rule and to make these documents available for public inspection upon request.

B. It shall be the affirmative responsibilities of the lead agency designated under subparagraph (3)(A)2.B. of this rule to provide to the other consulting agencies copies of any final document or

final decision subject to this rule within thirty (30) days of final action by the lead agency.

5. Resolving conflicts.

A. Conflicts among state agencies or between state agencies and the MPO regarding a final action on any conformity determination subject to this rule shall be escalated to the governor if the conflict cannot be resolved by the heads of the involved agencies. Such agencies shall make every effort to resolve any differences, including personal meetings between the heads of such agencies or their policy-level representatives, to the extent possible.

B. It shall be the responsibility of the state air quality agency to provide timely notification to the MPO and other consulting agencies of any proposed conformity determination where the agency identifies a potential conflict which, if unresolved, would, in the opinion of the agency, justify escalation to the governor. To the extent that consultation is not otherwise required under this rule, the state air quality agency shall consult with the other agencies listed in subparagraph (3)(A)2.C. of this rule in advance of escalating a potential conflict to the governor, and, if necessary, shall convene the meetings required under subparagraph (3)(A)5.A. of this rule.

C. When the MPO intends to make a final determination of conformity for a transportation plan, plan revision, TIP or TIP amendment, the MPO shall first notify the director of the state air quality agency of its intention and include in that notification a written response to any comments submitted by the state air quality agency on the proposed conformity determination. Upon receipt of such notification (including the written response to any comments submitted by the state air quality agency), the state air quality agency shall have fourteen (14) calendar days in which to appeal a proposed determination of conformity to the governor. If the Missouri air quality agency appeals to the governor of Missouri, the final conformity determination will automatically become contingent upon concurrence of the governor of Missouri. If the Illinois air quality agency presents an appeal to the governor of Missouri regarding a conflict involving both Illinois and Missouri agencies or the MPO, the final conformity determination will automatically become contingent upon concurrence of both the governor of Missouri and the governor of Illinois. The state air quality agency shall provide notice of any appeal under this subsection to the MPO, the state transportation agency and the Illinois air quality agency. If neither state air quality agency appeals to the governor(s) within fourteen (14) days of receiving written notification, the MPO may proceed with the final conformity determination.

D. The governor may delegate the role of hearing any such appeal under this subsection and of deciding whether to concur in the conformity determination to another official or agency within the state, but not to the head or staff of the state air quality agency or any local air quality agency, the state department of transportation, a state transportation commission or board, any agency that has responsibility for only one (1) of these functions, or an MPO.

6. Interagency consultation procedures—public consultation procedures. Affected agencies making conformity determinations on transportation plans, programs, and projects shall establish a proactive public involvement process which provides opportunity for public review and comment by, at a minimum, providing reasonable public access to technical and policy information considered by the agency at the beginning of the public comment period and prior to taking formal action on a conformity determination for all transportation plans and TIPs, consistent with these requirements and those of 23 CFR 450.316(b). Any charges imposed for public inspection and copying should be consistent with the fee schedule contained in 49 CFR 7.43. In addition, these agencies must specifically address in writing all public comments that known plans for a regionally significant project which is not receiving FHWA or FTA funding or approval have not been properly reflected in the emissions analysis supporting a proposed conformity finding for a transportation plan or TIP. These agencies shall also provide opportunity for public involvement in conformity determinations for projects where otherwise required by law.

(B) Requirement to Fulfill Commitments to Control Measures (Federal Code Location: 40 CFR 93.122(a)(4)(ii)). Written commitments to control measures that are not included in the transportation plan and TIP must be obtained from the entity or entities with authority and ability to implement the control measures prior to a conformity determination and such commitments must be fulfilled.

(C) Requirement to Fulfill Commitments to Mitigation Measures (Federal Code Location: 40 CFR 93.125(c)). Written commitments to project-level mitigation measures which are conditions for making conformity determinations for a transportation plan or transportation improvement program must be obtained from the project sponsor prior to a positive conformity determination. Project sponsors committing to mitigation measures to facilitate positive conformity determinations must comply with such commitments.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 100—Petroleum Storage Tank Insurance Fund  
Board of Trustees  
Chapter 2—Definitions**

**ORDER OF RULEMAKING**

By the authority vested in the Board of Trustees under section 319.129, RSMo Supp. 2006, the board amends a rule as follows:

10 CSR 100-2.010 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2007 (32 MoReg 42-43). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The board received two (2) comments on the proposed amendment.

COMMENT: The Department of Natural Resources suggested it is unnecessary to describe its environmental standards as “risk-based” and recommended deletion of this modifier, noting that the department could potentially change its standards in the future in such a way that they are not “risk-based,” and noting that some cleanups which began under its “Closure Guidance Document” are still being completed.

RESPONSE: The Missouri General Assembly enacted HB 251 in 1995, requiring that the Department of Natural Resources’ corrective action standards for underground tank site cleanups be risk-based. This statutory requirement is found at section 319.109, RSMo. In response, the department issued a 1996 version of its Closure Guidance Document, which contained the corrective action standards applicable to tank sites. Subsequently, in February 2004, the department issued its Final Draft version of “Missouri Risk-Based Corrective Action Process for Petroleum Storage Tanks,” which contained revised corrective action standards and replaced the Closure Guidance Document. All cleanups being funded by the PSTIF are being completed under one of these two sets of standards, both of which, according to the department, are “risk-based.”

While it is true that the standards may change in the future, any change that would impose standards that are not risk-based would have to be a statutory change. Should such occur, the board would have ample time to again amend its rules.

COMMENT: The Department of Natural Resources suggested deletion of the word “and” between the words “assess” and “treat.”

RESPONSE AND EXPLANATION OF CHANGE: In the proposed amendment, the board was presenting two (2) lists separated by the conjunction “and.” While this was accurate, the board agrees with the department that removing the word “and” makes the wording

clearer and has changed section (8) accordingly.

**10 CSR 100-2.010 Definitions**

(8) “Cleanup” consists of all actions necessary to investigate, contain, control, analyze, assess, treat, remediate, or mitigate the risks of a petroleum release to achieve risk-based standards established by the Department of Natural Resources.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 100—Petroleum Storage Tank Insurance Fund  
Board of Trustees  
Chapter 4—Participation Requirements**

**ORDER OF RULEMAKING**

By the authority vested in the Board of Trustees under section 319.129, RSMo Supp. 2006, the board amends a rule as follows:

**10 CSR 100-4.010 Participation Requirements for Underground  
Storage Tanks is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2007 (32 MoReg 43). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 100—Petroleum Storage Tank Insurance Fund  
Board of Trustees  
Chapter 4—Participation Requirements**

**ORDER OF RULEMAKING**

By the authority vested in the Board of Trustees under section 319.129, RSMo Supp. 2006, the board amends a rule as follows:

**10 CSR 100-4.020 Participation Requirements for Aboveground  
Storage Tanks is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2007 (32 MoReg 43-44). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 100—Petroleum Storage Tank Insurance Fund  
Board of Trustees  
Chapter 5—Claims**

**ORDER OF RULEMAKING**

By the authority vested in the Board of Trustees under section 319.129, RSMo Supp. 2006, the board withdraws a proposed amendment as follows:

**10 CSR 100-5.010 Claims for Cleanup Costs is withdrawn.**



A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2007 (32 MoReg 44-45). This proposed amendment is withdrawn.

**SUMMARY OF COMMENTS:** The board received a total of ten (10) comments from four (4) environmental consulting firms, one (1) trade association, one (1) laboratory, and one (1) state agency. Several complimented the board for updating its regulation to reflect the fact that the Department of Natural Resources has changed its cleanup requirements and, as a result, there are now new tasks the board must pay for. Some expressed opposition to the changes proposed to subsections (10)(F) and (10)(H), and the board agreed to withdraw these proposed changes. Deletion of the abbreviation, "etc." was suggested, and the board concurred with this suggestion. At its meeting on March 28, 2007, the board voted to publish a final order of rulemaking with these changes. However, as a result of an inquiry from the chairmen of the Joint Committee on Administrative Rules, the board reconsidered its decision and voted on April 25, 2007 to withdraw the proposed amendment to allow time for further dialogue with these legislators.

**RESPONSE:** As a result, the board is withdrawing this proposed amendment.

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 70—Division of Medical Services  
Chapter 10—Nursing Home Program**

**ORDER OF RULEMAKING**

By the authority vested in the Division of Medical Services under sections 208.153, 208.159 and 208.201, RSMo 2000, the division amends a rule as follows:

**13 CSR 70-10.030** Prospective Reimbursement Plan for Nonstate-Operated Facilities for ICF/MR Services **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2007 (32 MoReg 332-334). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 70—Division of Medical Services  
Chapter 20—Pharmacy Program**

**ORDER OF RULEMAKING**

By the authority vested in the Division of Medical Services under sections 208.153 and 208.201, RSMo 2000, the division amends a rule as follows:

**13 CSR 70-20.031** List of Excludable Drugs for Which Prior Authorization Is Required **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2007 (32 MoReg 335). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 70—Division of Medical Services  
Chapter 20—Pharmacy Program**

**ORDER OF RULEMAKING**

By the authority vested in the Division of Medical Services under sections 208.153 and 208.201, RSMo 2000, the division amends a rule as follows:

**13 CSR 70-20.032** List of Drugs Excluded From Coverage Under the Missouri Medicaid Pharmacy Program **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2007 (32 MoReg 335). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 70—Division of Medical Services  
Chapter 20—Pharmacy Program**

**ORDER OF RULEMAKING**

By the authority vested in the Division of Medical Services under sections 208.152, RSMo Supp. 2006 and 208.153 and 208.201, RSMo 2000, the division amends a rule as follows:

**13 CSR 70-20.034** List of Non-Excludable Drugs for Which Prior Authorization Is Required **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2007 (32 MoReg 335-336). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2030—Missouri Board for Architects,  
Professional Engineers, Professional Land Surveyors,  
and Landscape Architects  
Chapter 6—Fees**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects under section 327.041, RSMo Supp. 2006, the board amends a rule as follows:

**20 CSR 2030-6.015** Application, Renewal, Reinstatement, Relicensure and Miscellaneous Fees **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2007 (32 MoReg 55-57). No changes have been made to the text of

the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2245—Real Estate Appraisers  
Chapter 1—Organization and Description of Commission**

**ORDER OF RULEMAKING**

By the authority vested in the Real Estate Appraisers Commission under sections 339.507 and 339.509, RSMo 2000, the commission amends a rule as follows:

**20 CSR 2245-1.010 General Organization is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2007 (32 MoReg 63). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2245—Real Estate Appraisers  
Chapter 1—Organization and Description of Commission**

**ORDER OF RULEMAKING**

By the authority vested in the Real Estate Appraisers Commission under sections 339.507 and 339.509, RSMo 2000, the commission rescinds a rule as follows:

**20 CSR 2245-1.020 Commission Compensation is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on January 2, 2007 (32 MoReg 63-64). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2245—Real Estate Appraisers  
Chapter 2—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the Real Estate Appraisers Commission under section 339.509, RSMo 2000, the commission amends a rule as follows:

**20 CSR 2245-2.020 is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2007 (32 MoReg 64). The section with changes is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One (1) comment was received.

COMMENT: A staff member noted the need to clarify the commission's ability to investigate anonymous complaints. The proposed amendment may be construed to limit the commission's ability to protect the public by investigating complaints that do not identify a specific appraisal. Due to the nature of the profession, an appraiser may commit misconduct that may not be readily tied to a specific appraisal.

RESPONSE AND EXPLANATION OF CHANGE: In the interest of protecting the public, the commission has amended the regulation to clarify that the commission may investigate an anonymous complaint if deemed appropriate.

**20 CSR 2245-2.020 Commission Action**

(4) The commission, may at its discretion, investigate anonymous complaints.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2245—Real Estate Appraisers  
Chapter 2—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the Real Estate Appraisers Commission under section 339.509, RSMo 2000, the commission rescinds a rule as follows:

**20 CSR 2245-2.040 Appraiser's Seal is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on January 2, 2007 (32 MoReg 64). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2245—Real Estate Appraisers  
Chapter 2—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the Real Estate Appraisers Commission under section 339.509, RSMo 2000, the commission amends a rule as follows:

**20 CSR 2245-2.050 is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2007 (32 MoReg 64-65). The section with changes is reprinted here.

This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One (1) comment was received.

COMMENT: A staff member noted the requirement of subsection (1)(B) that an appraiser identifies the "Location or address" of the property appraised in the appraiser's assignment log is unclear.

RESPONSE AND EXPLANATION OF CHANGE: The rule has been amended to require designation of the "specific location or address of the property appraised." This clarification will assist those appraisers of property without a designated address. The clarification will allow the commission to better identify the property appraised when reviewing an assignment log.

#### **20 CSR 2245-2.050 Appraiser's Assignment Log**

(1) Every licensee shall maintain a summarized listing of the real estate appraisal assignments which the licensee is required to retain under section 339.537, RSMo. This summarized listing shall include, at a minimum, the following information:

(B) Specific location or address of the property appraised;

### **Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION Division 2245—Real Estate Appraisers Chapter 3—Applications for Certification and Licensure**

#### **ORDER OF RULEMAKING**

By the authority vested in the Real Estate Appraisers Commission under section 339.509(8), RSMo 2000, the commission adopts a rule as follows:

20 CSR 2245-3.005 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 2, 2007 (32 MoReg 65-68). The sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One (1) comment was received.

COMMENT: A staff member noted that trainee registration established by the proposed rule did not intend to be a designated license classification and does not grant authority to an unlicensed individual to perform any activity for which a license is required.

RESPONSE AND EXPLANATION OF CHANGE: After further review, the commission has amended the rule to clarify this intent. Specifically, the rule has been amended to remove the educational requirements that are historically applicable only to persons holding a license or certificate from the commission. The rule has also been amended to clarify that trainees are only required to register with the commission and are not entitled to an application review at the time of registration. Further, the commission has authority to determine the type of appraisal experience that will be credited at the time of application for licensure or certification. The rule has been amended to more specifically clarify the commission's intent to only recognize appraisal experience earned after registering as an appraisal trainee.

#### **20 CSR 2245-3.005 Trainee Real Estate Appraiser Registration**

(2) An applicant for licensure or certification shall only receive credit for appraisal experience earned after the applicant has registered as a trainee real estate appraiser with the commission.

(3) A person may register as a trainee real estate appraiser by submitting the following to the commission:

(A) An application on a form prescribed by the commission, including, but not limited to, the name and license number of each certified appraiser under which the registrant will provide appraisal services;

(B) An affidavit signed by each supervising appraiser acknowledging the supervisory relationship on a form prescribed by the commission; and

(C) The prescribed fee.

(5) Training.

(B) The supervising appraiser(s) shall be responsible for the training, guidance, and direct supervision of the registrant by:

1. Accepting responsibility for the appraisal report by signing and certifying that the report complies with the *Uniform Standards of Professional Appraisal Practice* (USPAP), 2006 Edition. The USPAP, 2006 Edition, is incorporated herein by reference and can be obtained from The Appraisal Foundation, 1155 15th Street NW, Suite 1111, Washington, DC 20005, by calling (202) 347-7722 or at [www.appraisalfoundation.org](http://www.appraisalfoundation.org). This rule does not incorporate any subsequent amendments or additions to the USPAP.

2. Reviewing and signing the appraisal report(s) for which the registrant has provided appraisal services; and

3. Personally inspecting each appraised property with the registrant until the supervising appraiser determines the registrant trainee is competent, in accordance with the competency rule of USPAP.

### **Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION Division 2245—Real Estate Appraisers Chapter 3—Applications for Certification and Licensure**

#### **ORDER OF RULEMAKING**

By the authority vested in the Real Estate Appraisers Commission under section 339.509, RSMo 2000 and 339.515 and 339.517, RSMo Supp. 2006, the commission amends a rule as follows:

#### **20 CSR 2245-3.010 Applications for Certification and Licensure is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2007 (32 MoReg 69-71). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

### **Title 20—DEPARTMENT OF INSURANCE FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION Division 2245—Real Estate Appraisers Chapter 3—Applications for Certification and Licensure**

#### **ORDER OF RULEMAKING**

By the authority vested in the Real Estate Appraisers Commission under section 339.509, RSMo 2000 and 339.515 and 339.517, RSMo Supp. 2006, the commission amends a rule as follows:

#### **20 CSR 2245-3.020 Certification and Licensure Examinations is amended.**



A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2007 (32 MoReg 72). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2245—Real Estate Appraisers  
Chapter 4—Certificates and Licenses**

**ORDER OF RULEMAKING**

By the authority vested in the Real Estate Appraisers Commission under sections 339.509 and 339.529, RSMo 2000, the commission amends a rule as follows:

20 CSR 2245-4.040 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2007 (32 MoReg 72). The section with changes is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One (1) comment was received.

COMMENT: A staff member noted a clerical error in section (1).  
RESPONSE AND EXPLANATION OF CHANGE: The citation of 20 CSR 2245-4.020 has been changed to 20 CSR 2245-4.030.

**20 CSR 2245-4.040 Individual License; Business Name; Pocket Card**

(1) A licensee shall not conduct his/her business under any other name or at any other address than the one for which his/her individual certificate or license is issued unless he/she first complies with 20 CSR 2245-4.030. If a licensee changes his/her name or business address, he/she shall notify the commission in writing within thirty (30) days after the change becomes effective.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2245—Real Estate Appraisers  
Chapter 4—Certificates and Licenses**

**ORDER OF RULEMAKING**

By the authority vested in the Real Estate Appraisers Commission under sections 339.509, 339.521 and 339.523, RSMo 2000, the commission amends a rule as follows:

**20 CSR 2245-4.050 Nonresident Certification or Licensure;  
Reciprocity is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2007 (32 MoReg 72-73). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2245—Real Estate Appraisers  
Chapter 4—Certificates and Licenses**

**ORDER OF RULEMAKING**

By the authority vested in the Real Estate Appraisers Commission under sections 339.503, 339.509 and 339.521, RSMo 2000, the commission amends a rule as follows:

**20 CSR 2245-4.060 Temporary Nonresident Certificate or  
License is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2007 (32 MoReg 73). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2245—Real Estate Appraisers  
Chapter 5—Fees**

**ORDER OF RULEMAKING**

By the authority vested in the Real Estate Appraisers Commission under sections 339.509 and 339.513, RSMo 2000, the commission amends a rule as follows:

**20 CSR 2245-5.010 Payment is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2007 (32 MoReg 73-74). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2245—Real Estate Appraisers  
Chapter 5—Fees**

**ORDER OF RULEMAKING**

By the authority vested in the Real Estate Appraisers Commission under sections 339.509, 339.513 and 339.525.5, RSMo 2000, the commission amends a rule as follows:

20 CSR 2245-5.020 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2007 (32 MoReg 74-76). The section with changes is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.



**SUMMARY OF COMMENTS:** One (1) Comment was received. The board did not receive an official comment, however upon final review of the amendment noted to amend eliminating the trainee fee.

**RESPONSE AND EXPLANATION OF CHANGE:** The trainee registration designated in the rules of the board is elective and not intended to be a designated license classification. As a result, the commission has eliminated the trainee fee established in the proposed amendment.

## 20 CSR 2245-5.020 Application, Certificate and License Fees

(2) The following fees shall be paid for original issuance and renewal of certificates or licenses:

(M) Fingerprint Background Check Fee—Determined by the Missouri State Highway Patrol (MSHP) or its approved vendor	
(N) Continuing Education Course Approval Fee (per course)	\$25
(O) Continuing Education Course Renewal Fee (per course)	\$10

## Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

### Division 2245—Real Estate Appraisers Chapter 6—Educational Requirements

## ORDER OF RULEMAKING

By the authority vested in the Real Estate Appraisers Commission under sections 339.509, RSMo 2000 and 339.517, RSMo Supp. 2006, the commission adopts a rule as follows:

20 CSR 2245-6.015 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 2, 2007 (32 MoReg 77-78). The section with changes is reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** One (1) comment was received.

**COMMENT:** A staff member noted proposed rule 20 CSR 2245-3.005, it is unclear whether the proposed changes to 20 CSR 2245-6.015 create a trainee registration license classification. The original proposed rule of 20 CSR 2245-6.015 created educational requirements that are historically applicable to only persons licensed or certified by the commission.

**RESPONSE AND EXPLANATION OF CHANGE:** The commission has deleted the educational requirements for trainee registrant in subsection (2)(D) to clarify the commission's intent. Section (2) is reprinted in its entirety.

## 20 CSR 2245-6.015 Examination and Education Requirements

(2) Qualifying Education.

(A) State-Certified General Real Estate Appraiser.

1. Applicants for the certified general certification shall hold a bachelor's degree or higher from a college or university accredited by a regional accrediting commission recognized by the United States Department of Education or an equivalent approving agency for out-of-state schools, unless the requirements of the following paragraph (2)(A)2. are satisfied.

2. In lieu of the bachelor's degree, an applicant for the certified general certification shall successfully pass thirty (30) semester credit hours, or its equivalent, including each of the following collegiate

subject matter courses from a college, junior college, community college or university accredited by a regional accrediting commission recognized by the United States Department of Education or an equivalent approving agency for out-of-state schools:

- A. English Composition;
- B. Micro Economics;
- C. Macro Economics;
- D. Finance;
- E. Algebra, Geometry, or higher Mathematics;
- F. Statistics;
- G. Introduction to computers, word processing, and spreadsheets;
- H. Business Law or Real Estate Law; and
- I. Two (2) elective courses in accounting, geography, ag-economics, business management or real estate.

3. If a college or university accredited by a regional accrediting commission recognized by the United States Department of Education or an equivalent approving agency for out-of-state schools, accepts the College-Level Examination Program® (CLEP) examination(s) and issues a transcript for the exam showing its approval, it will be considered as credit for the college course.

4. The applicant shall submit verification of completion of three hundred (300) creditable class hours from the core curriculum, including passage of the approved closed-book examination for each course, as follows:

A. Basic Appraisal Principles	30 Hours
B. Basic Appraisal Procedures	30 Hours
C. The 15-Hour National Uniform Standards of Professional Appraisal Practice (USPAP) Course or its Equivalent	15 Hours
D. General Appraiser Market Analysis and Highest and Best Use	30 Hours
E. Statistics, Modeling and Finance	15 Hours
F. General Appraiser Sales Comparison Approach	30 Hours
G. General Appraiser Site Valuation and Cost Approach	30 Hours
H. General Appraiser Income Approach	60 Hours
I. General Appraiser Report Writing and Case Studies	30 Hours
J. Appraisal Subject Matter Electives (Electives may include hours over minimum shown above in other modules)	30 Hours

Total 300 Hours

5. Applicants shall demonstrate that their education includes the core courses listed in these criteria, with particular emphasis on non-residential properties.

(B) State-Certified Residential Real Estate Appraiser.

1. Applicants for the certified residential certificate shall hold an associate degree or higher from a college, junior college, community college, or university accredited by a regional accrediting commission recognized by the United States Department of Education or an equivalent approving agency for out-of-state schools, unless the requirements of paragraph (2)(B)2. of this rule are satisfied.

2. In lieu of the Associate degree, an applicant for the certified residential certification shall successfully pass twenty-one (21) semester credit hours, or its equivalent, of college courses, including each of the following subject matter courses from a college, junior college, community college, or university accredited by a regional accrediting commission recognized by the United States Department of Education or an equivalent approving agency for out-of-state schools:

- A. English Composition;
- B. Principles of Economics (Micro or Macro);
- C. Finance;
- D. Algebra, Geometry, or higher Mathematics;
- E. Statistics;

F. Introduction to computers, word processing, and spreadsheets; and

G. Business Law or Real Estate Law.

3. If a college or university accredited by a regional accrediting commission recognized by the United States Department of Education or an equivalent approving agency for out-of-state schools accepts the College-Level Examination Program® (CLEP) examination(s) and issues a transcript for the exam, showing its approval, it will be considered as credit for the college course.

4. The applicant shall submit verification of completion of two hundred (200) creditable class hours from the core curriculum, including passage of the approved closed-book examination for each course, as follows:

A. Basic Appraisal Principles	30 Hours
B. Basic Appraisal Procedures	30 Hours
C. The 15-Hour National USPAP Course	15 Hours
D. Residential Market Analysis and Highest And Best Use	15 Hours
E. Residential Appraiser Site Valuation and Cost Approach	15 Hours
F. Residential Sales Comparison and Income Approaches	30 Hours
G. Residential Report Writing and Case Studies	15 Hours
H. Statistics, Modeling and Finance	15 Hours
I. Advanced Residential Applications and Case Studies	15 Hours
J. Appraisal Subject Matter Electives	20 Hours

(Electives may include hours over the minimum shown above in other modules)

Total 200 Hours

(C) State-Licensed Real Estate Appraiser.

1. The applicant shall submit verification of completion of one hundred fifty (150) creditable class hours from the core curriculum, including passage of the approved closed-book examination for each course, as follows:

A. Basic Appraisal Principles	30 Hours
B. Basic Appraisal Procedures	30 Hours
C. The 15-Hour National USPAP Course or its Equivalent	15 Hours
D. Residential Market Analysis and Highest And Best Use	15 Hours
E. Residential Appraiser Site Valuation and Cost Approach	15 Hours
F. Residential Sales Comparison and Income Approaches	30 Hours
G. Residential Report Writing and Case Studies	15 Hours

Total 150 Hours

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2245—Real Estate Appraisers  
Chapter 6—Educational Requirements**

**ORDER OF RULEMAKING**

By the authority vested in the Real Estate Appraisers Commission under sections 339.509, RSMo 2000 and 339.517, RSMo Supp. 2006, the commission rescinds a rule as follows:

**20 CSR 2245-6.020 Correspondence Courses is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on January 2, 2007 (32 MoReg 78). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2245—Real Estate Appraisers  
Chapter 6—Educational Requirements**

**ORDER OF RULEMAKING**

By the authority vested in the Real Estate Appraisers Commission under sections 339.509, RSMo 2000 and 339.517, RSMo Supp. 2006, the commission rescinds a rule as follows:

**20 CSR 2245-6.030 Distance Education is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on January 2, 2007 (32 MoReg 78-79). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2245—Real Estate Appraisers  
Chapter 6—Educational Requirements**

**ORDER OF RULEMAKING**

By the authority vested in the Real Estate Appraisers Commission under section 339.509 (3 and 4), RSMo 2000, the commission adopts a rule as follows:

**20 CSR 2245-6.040 Case Study Courses is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 2, 2007 (32 MoReg 79-81). No changes have been made to the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2245—Real Estate Appraisers  
Chapter 7—Prelicense Course Approval**

**ORDER OF RULEMAKING**

By the authority vested in the Real Estate Appraisers Commission under sections 339.509, RSMo 2000 and 339.517 RSMo Supp. 2006, the commission amends a rule as follows:

**20 CSR 2245-7.010 is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2007 (32 MoReg 81-84). The section with changes is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One (1) comment was received.

COMMENT: A staff member noted that the current proposed rule requires course providers to have instructors approved by the Appraisal Qualifications Board (AQB). However, the AQB informed state appraisal licensing entities that it does not approve instructors for AQB approved courses.

RESPONSE AND EXPLANATION OF CHANGE: As such, the rule has been changed to only require AQB course approval.

#### **20 CSR 2245-7.010 Standards for Prelicense Course Approval**

(2) Effective July 1, 2007, providers of prelicense real estate appraisal courses shall attain approval for each course from the Appraisal Qualifications Board (AQB) Course Approval Program or an AQB approved course approval program.

### **Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION Division 2245—Real Estate Appraisers Chapter 7—Prelicense Course Approval**

#### **ORDER OF RULEMAKING**

By the authority vested in the Real Estate Appraisers Commission under section 339.509, RSMo 2000, the commission amends a rule as follows:

20 CSR 2245-7.020 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2007 (32 MoReg 85). The section with changes is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One (1) comment was received.

COMMENT: A staff member noted that the current proposed amendment requires course providers to have instructors approved by the Appraisal Qualifications Board (AQB). However, the AQB informed state appraisal licensing entities that it does not approve instructors for AQB approved courses.

RESPONSE AND EXPLANATION OF CHANGE: As such, the rule has been changed to only require AQB course approval.

#### **20 CSR 2245-7.020 Application for Prelicense Course Approval**

(3) Effective July 1, 2007, providers of prelicense real estate appraisal courses shall attain approval for each course from the Appraisal Qualifications Board (AQB) Course Approval Program or an AQB approved course approval program.

### **Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION Division 2245—Real Estate Appraisers Chapter 7—Prelicense Course Approval**

#### **ORDER OF RULEMAKING**

By the authority vested in the Real Estate Appraisers Commission under sections 339.509, RSMo 2000 and 339.517, RSMo Supp. 2006, the commission rescinds a rule as follows:

#### **20 CSR 2245-7.030 Prelicense Correspondence Courses is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on January 2, 2007 (32 MoReg 85). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

### **Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION Division 2245—Real Estate Appraisers Chapter 7—Prelicense Course Approval**

#### **ORDER OF RULEMAKING**

By the authority vested in the Real Estate Appraisers Commission under sections 339.509 and 339.513, RSMo 2000, and 339.517, RSMo Supp. 2006, the commission rescinds a rule as follows:

#### **20 CSR 2245-7.040 Approval and Renewal for Prelicense Courses is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on January 2, 2007 (32 MoReg 85-86). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

### **Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION Division 2245—Real Estate Appraisers Chapter 7—Prelicense Course Approval**

#### **ORDER OF RULEMAKING**

By the authority vested in the Real Estate Appraisers Commission under sections 339.509, RSMo 2000 and 339.517, RSMo Supp. 2006, the commission rescinds a rule as follows:

#### **20 CSR 2245-7.050 Records is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on January 2, 2007 (32 MoReg 86). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

### **Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION Division 2245—Real Estate Appraisers Chapter 7—Prelicense Course Approval**

#### **ORDER OF RULEMAKING**



By the authority vested in the Real Estate Appraisers Commission under sections 339.509, RSMo 2000 and 339.517, RSMo Supp. 2006, the commission amends a rule as follows:

**20 CSR 2245-7.060 Investigation and Review is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2007 (32 MoReg 86). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2245—Real Estate Appraisers  
Chapter 8—Continuing Education**

**ORDER OF RULEMAKING**

By the authority vested in the Real Estate Appraisers Commission under sections 339.509, RSMo 2000 and 339.517, RSMo Supp. 2006, the commission amends a rule as follows:

**20 CSR 2245-8.010 Requirements is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2007 (32 MoReg 86–87). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2245—Real Estate Appraisers  
Chapter 8—Continuing Education**

**ORDER OF RULEMAKING**

By the authority vested in the Real Estate Appraisers Commission under sections 339.509 and 339.530, RSMo 2000, the commission amends a rule as follows:

**20 CSR 2245-8.020 Course Approval is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2007 (32 MoReg 87–89). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2245—Real Estate Appraisers  
Chapter 8—Continuing Education**

**ORDER OF RULEMAKING**

By the authority vested in the Real Estate Appraisers Commission under sections 339.509 and 339.530, RSMo 2000, the commission amends a rule as follows:

**20 CSR 2245-8.030 Instructor Approval is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2007 (32 MoReg 90). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2245—Real Estate Appraisers  
Chapter 8—Continuing Education**

**ORDER OF RULEMAKING**

By the authority vested in the Real Estate Appraisers Commission under sections 339.509 and 339.530, RSMo 2000, the commission amends a rule as follows:

**20 CSR 2245-8.040 Records is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2007 (32 MoReg 90–91). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2245—Real Estate Appraisers  
Chapter 8—Continuing Education**

**ORDER OF RULEMAKING**

By the authority vested in the Real Estate Appraisers Commission under sections 339.509 and 339.530, RSMo 2000, the commission amends a rule as follows:

**20 CSR 2245-8.050 Investigation and Review is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2007 (32 MoReg 92). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.



**T**his section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs and other items required to be published in the *Missouri Register* by law.

**Title 7—DEPARTMENT OF TRANSPORTATION  
Division 10—Missouri Highways and  
Transportation Commission  
Chapter 25—Motor Carrier Operations**

**IN ADDITION**

**7 CSR 10-25.010 Skill Performance Evaluation Certificates for Commercial Drivers**

**PUBLIC NOTICE**

Public Notice and Request for Comments on Applications for Issuance of Skill Performance Evaluation Certificates to Intrastate Commercial Drivers with Diabetes Mellitus or Impaired Vision

**SUMMARY:** This notice publishes MoDOT's receipt of applications for the issuance of Skill Performance Evaluation (SPE) Certificates, from individuals who do not meet the physical qualification requirements in the Federal Motor Carrier Safety Regulations for drivers of commercial motor vehicles in Missouri intrastate commerce, because of impaired vision, or an established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control. If granted, the SPE Certificates will authorize these individuals to qualify as drivers of commercial motor vehicles (CMVs), in intrastate commerce only, without meeting the vision standard prescribed in 49 CFR 391.41(b)(10), if applicable, or the diabetes standard prescribed in 49 CFR 391.41(b)(3).

**DATES:** Comments must be received at the address stated below, on or before June 30, 2007.

**ADDRESSES:** You may submit comments concerning an applicant, identified by the Application Number stated below, by any of the following methods:

- E-mail:** [Kathy.Hatfield@modot.mo.gov](mailto:Kathy.Hatfield@modot.mo.gov)
- Mail:** PO Box 893, Jefferson City, MO 65102-0893
- Hand Delivery:** 1320 Creek Trail Drive, Jefferson City, MO 65109
- Instructions:** All comments submitted must include the agency name and Application Number for this public notice. For detailed instructions on submitting comments, see the Public Participation heading of the Supplementary Information section of this notice. All comments received will be open and available for public inspection and MoDOT may publish those comments by any available means.

**COMMENTS RECEIVED  
BECOME MoDOT PUBLIC RECORD**

- By submitting any comments to MoDOT, the person authorizes MoDOT to publish those comments by any available means.
- Docket:** For access to the department's file, to read background documents or comments received, 1320 Creek Trail Drive, Jefferson City, MO 65109, between 7:30 a.m. and 4:00 p.m., Monday through Friday, except state holidays.

**FOR FURTHER INFORMATION CONTACT:** Ms. Kathy Hatfield, Motor Carrier Specialist, (573) 522-9001, MoDOT Motor Carrier Services Division, PO Box 893, Jefferson City, MO 65102-0893. Office hours are from 7:30 a.m. to 4:00 p.m., CT, Monday through Friday, except state holidays.

**SUPPLEMENTARY INFORMATION:**

**Public Participation**

If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard.

**Background**

The individuals listed in this notice have recently filed applications requesting MoDOT to issue SPE Certificates to exempt them from the physical qualification requirements relating to vision in 49 CFR 391.41(b)(10), or to diabetes in 49 CFR 391.41(b)(3), which otherwise apply to drivers of CMVs in Missouri intrastate commerce.

Under section 622.555, *Missouri Revised Statutes* (RSMo) Supp. 2006, MoDOT may issue a Skill Performance Evaluation Certificate, for not more than a two (2)-year period, if it finds that the applicant has the ability, while operating CMVs, to maintain a level of safety that is equivalent to or greater than the driver qualification standards of 49 CFR 391.41. Upon application, MoDOT may renew an exemption upon expiration.

Accordingly, the agency will evaluate the qualifications of each applicant to determine whether issuing a SPE Certificate will comply with the statutory requirements and will achieve the required level of safety. If granted, the SPE Certificate is only applicable to intrastate transportation wholly within Missouri.

**Qualifications of Applicants**

**Application # MP040310020**

Renewal Applicant's Name & Age: Rodman R. Brandt, 39  
Relevant Physical Condition: Mr. Brandt's best-corrected visual acuity in his right eye is 20/20 Snellen and his left eye is 20/20 Snellen. He has been diagnosed as having diabetes mellitus since July 1998. Relevant Driving Experience: Mr. Brandt has been employed since 1983 with Economy Express Trucking, Inc. St. Joseph, MO. He has approximately 20 years of commercial motor vehicle driving experience. He currently has a Class A CDL. Drives personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in November 2006, his endocrinologist certified, "In my medical opinion, Mr. Brandt's diabetes deficiency is stable and he is capable of performing the driving tasks required to operate a commercial motor vehicle, and that the applicant's condition will not adversely affect his ability to operate a commercial motor vehicle safely."

Traffic Accidents and Violations: No accidents or violations on record.

**Application # MP041229091**

Renewal Applicant's Name & Age: Marc Christopher Grooms, 37  
Relevant Physical Condition: Mr. Grooms has Amblyopia in his right eye and his best-corrected visual acuity in the right eye is 20/60 Snellen and uncorrected is 20/200. His best corrected and uncorrected visual acuity in his left eye is 20/20 Snellen.

Relevant Driving Experience: Employed by World Outdoor Emporium, St. Charles, MO as a route sales driver from April 1992 to present. He drives a straight truck, dump and flat approximately 3 hours per day. Drives personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in March 2007, his optometrist certified, "In my medical opinion, Mr. Groom's visual deficiency is stable and has sufficient vision to perform the driving tasks required to operate a commercial motor vehicle, and that his condition will not adversely affect his ability to operate a commercial motor vehicle safely."

Traffic Accidents and Violations: No violations within the past 3 years and 1 accident in a CMV, no citation issued to the driver.

**Application # MP041221087**

Renewal Applicant's Name & Age: Timothy Lee Nelson, 48

Relevant Physical Condition: Mr. Nelson has Myopic Degeneration in his right eye and his best-corrected visual acuity in his right eye is 20/30 Snellen and his left eye is 20/60 Snellen.

Relevant Driving Experience: Mr. Nelson has been employed since 1992 as a route sales driver for Interstate Bakeries, St. Louis MO. He has approximately 22 years of commercial motor vehicle driving experience. He currently has a Class E license. Drives personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in April 2007, his ophthalmologist certified, "In my medical opinion, Mr. Nelson's visual deficiency is stable and has sufficient vision to perform the driving tasks required to operate a commercial motor vehicle, and that his condition will not adversely affect his ability to operate a commercial motor vehicle safely."

Traffic Accidents and Violations: No violations on record and one accident in a CMV before initial SPE issued.

**Application # MP050826041**

Applicant's Name & Age: Chad Michael Skinner, 27

Relevant Physical Condition: Mr. Skinner's best-corrected visual acuity in his right eye is 20/20 Snellen and his left eye is 20/25 Snellen. He has been diagnosed as having diabetes mellitus since 1984.

Relevant Driving Experience: Mr. Skinner has been employed since 2004 with Alliance Water Resources, O'Fallon, MO. He has approximately 6 years of commercial motor vehicle driving experience. He currently has a Class B CDL. Drives personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in February 2007, his endocrinologist certified, "In my medical opinion, Mr. Skinner's diabetes deficiency is stable and he is capable of performing the driving tasks required to operate a commercial motor vehicle, and that the applicant's condition will not adversely affect his ability to operate a commercial motor vehicle safely."

Traffic Accidents and Violations: No violations on record and two accidents in 2006, one in a company vehicle and one in a personal vehicle.

**Request for Comments**

The Missouri Department of Transportation, Motor Carrier Services Division, pursuant to section 622.555, RSMo, and rule 7 CSR 10-25.010, requests public comment from all interested persons on the applications for issuance of Skill Performance Evaluation Certificates described in this notice. We will consider all comments received before the close of business on the closing date indicated earlier in this notice.

Issued on: May 1, 2007

*Jan Skouby, Motor Carrier Services Director, Missouri Department of Transportation.*

**T**he Secretary of State is required by sections 347.141 and 359.481, RSMo 2000 to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript by email to [dissolutions@sos.mo.gov](mailto:dissolutions@sos.mo.gov).

NOTICE OF DISSOLUTION OF LIMITED LIABILITY  
COMPANY TO ALL CREDITORS OF AND CLAIMANTS  
AGAINST TWO RIVERS CATTLE, LLC

On April 4, 2007, Two Rivers Cattle, LLC filed Notice of Winding Up with the Missouri Secretary of State.

Claims against Two Rivers Cattle, LLC, may be submitted to Tom J. Bowman, McCalley, Gorham and Bowman, P.C., 206 West Main Street, P.O. Box 319, Richmond, Missouri 64085. Claims must include the name, address and telephone number of the claimant; the amount claimed; the date on which the claim arose; basis for claim; and documentation of claim.

All claims against Two Rivers Cattle, LLC will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

NOTICE OF CORPORATE DISSOLUTION TO ALL CREDITORS AND CLAIMANTS  
AGAINST  
LAKE OZARK INNS, INC.

Lake Ozark Inns, Inc. was dissolved as of the 10<sup>th</sup> day of April, 2007. Any and all claims against Lake Ozark Inns, Inc. may be sent to Teresa Reinking, Husch & Eppenberger, LLC, 1200 Main Street, Ste. 2300, Kansas City, Missouri 64105. Each such claim should include the following: the name, address and telephone number of the claimant; amount of the claim; the basis of the claim; the date(s) on which the event(s) on which the claim was based occurred; and whether the corporation has been previously notified of the claim, and if so, when. Any and all claims against Lake Ozark Inns, Inc. will be barred unless a proceeding to enforce the claim is commenced within two years after the date of this publication.

**NOTICE OF DISSOLUTION OF  
THE WARRANTY TEAM, LLC**

On the 12th day of April, 2007, The Warranty Team, LLC filed its Notice of Winding Up with the Missouri Secretary of State. The dissolution of the LLC was effective on the 12th day of April, 2007.

You are hereby notified that if you believe you have a claim against The Warranty Team, LLC, you must submit a summary in writing of the circumstances surrounding your claim to the limited liability company to the attention of Carl J. Lumley, Curtis, Heinz, Garrett & O'Keefe, P.C., 130 S. Bemiston, Suite 200, St. Louis, Missouri 63105, no later than April 24, 2010.

The summary of your claim must include the following information:

1. The name, address and telephone number of the claimant;
2. The amount of the claim.
3. The date on which the event on which the claim is based occurred.
4. A brief description of the nature of the debt or the basis for the claim.

All claims against The Warranty Team, LLC will be barred unless the proceeding to enforce the claim is commenced within three (3) years after the publication of this notice. Claims will also be barred as provided in Section 347.141 R.S.Mo.



**NOTICE OF CORPORATION DISSOLUTION**

To: All creditors of and claimants against JACKSON COUNTY IMPLEMENT COMPANY, INC.

On April 16, 2007, JACKSON COUNTY IMPLEMENT COMPANY, INC., a Missouri corporation, Charter Number **00094616**, was dissolved pursuant to the filing of Articles of Dissolution by the Corporation Division, Missouri Secretary of State

All persons or organizations having claims against JACKSON COUNTY IMPLEMENT COMPANY, INC., are required to present them immediately in writing to:

Nancy E. Blackwell, Attorney at Law  
CHINNERY EVANS & NAIL, P.C.  
200 S.E. Douglas, Suite 200  
Lee's Summit, MO 64063

Each claim must contain the following information:

1. Name and current address of the claimant.
2. A clear and concise statement of the facts supporting the claim.
3. The date the claim was incurred.
4. The amount of money or alternate relief demanded.

NOTE: CLAIMS AGAINST JACKSON COUNTY IMPLEMENT COMPANY, INC., WILL BE BARRED UNLESS A PROCEEDING TO ENFORCE THE CLAIM IS COMMENCED WITHIN TWO YEARS AFTER THE PUBLICATION OF THIS NOTICE.

**NOTICE OF DISSOLUTION TO ALL CREDITORS OF  
AND CLAIMANTS AGAINST  
RPS BENEFITS, INC.**

On October 18, 2006, RPS Benefits, Inc., a Missouri corporation ("Corporation") agreed to dissolve and wind up the Corporation.

The Corporation requests that all persons and organizations who have claims against it present those claims immediately by letter to Thomas H. Mug at Gallop, Johnson and Neuman, L.C., 101 South Hanley, Suite 1700, St. Louis, Missouri 63105. All claims must include the name and address of the claimant, the amount claimed, the basis for the claim, the date(s) on which the event(s) on which the claim is based occurred, whether the claim was secured, and, if so, the collateral used as security.

NOTE: BECAUSE OF THE DISSOLUTION AND WINDING UP OF RPS BENEFITS, INC., ANY CLAIMS AGAINST IT WILL BE BARRED UNLESS A PROCEEDING TO ENFORCE THE CLAIM IS COMMENCED WITHIN TWO (2) YEARS AFTER MAY 15, 2007.

# Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—30 (2005) and 31 (2006). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency OFFICE OF ADMINISTRATION	Emergency	Proposed	Order	In Addition
1 CSR 10	State Officials' Salary Compensation Schedule				30 MoReg 2435
<b>DEPARTMENT OF AGRICULTURE</b>					
2 CSR 30-10.010	Animal Health		32 MoReg 578		
2 CSR 80-2.010	State Milk Board		32 MoReg 526		
2 CSR 80-2.020	State Milk Board		32 MoReg 527		
2 CSR 80-2.030	State Milk Board		32 MoReg 528		
2 CSR 80-2.040	State Milk Board		32 MoReg 528		
2 CSR 80-2.050	State Milk Board		32 MoReg 529		
2 CSR 80-2.060	State Milk Board		32 MoReg 529		
2 CSR 80-2.070	State Milk Board		32 MoReg 530		
2 CSR 80-2.080	State Milk Board		32 MoReg 532		
2 CSR 80-2.091	State Milk Board		32 MoReg 532		
2 CSR 80-2.101	State Milk Board		32 MoReg 533		
2 CSR 80-2.110	State Milk Board		32 MoReg 533		
2 CSR 80-2.121	State Milk Board		32 MoReg 534		
2 CSR 80-2.130	State Milk Board		32 MoReg 534		
2 CSR 80-2.141	State Milk Board		32 MoReg 535		
2 CSR 80-2.151	State Milk Board		32 MoReg 535		
2 CSR 80-2.161	State Milk Board		32 MoReg 535		
2 CSR 80-2.170	State Milk Board		32 MoReg 536		
<b>DEPARTMENT OF CONSERVATION</b>					
3 CSR 10-4.130	Conservation Commission		32 MoReg 696		
3 CSR 10-5.460	Conservation Commission		N.A.	32 MoReg 721	
3 CSR 10-5.465	Conservation Commission		N.A.	32 MoReg 721	
3 CSR 10-6.410	Conservation Commission		N.A.	This Issue	
3 CSR 10-6.511	Conservation Commission		N.A.	This IssueR	
3 CSR 10-6.535	Conservation Commission		32 MoReg 215	32 MoReg 644	
3 CSR 10-7.455	Conservation Commission				32 MoReg 261
3 CSR 10-9.105	Conservation Commission		N.A.	32 MoReg 721	
3 CSR 10-9.220	Conservation Commission		N.A.	32 MoReg 726	
3 CSR 10-9.353	Conservation Commission		N.A.	32 MoReg 726	
3 CSR 10-9.560	Conservation Commission		N.A.	32 MoReg 727	
3 CSR 10-9.565	Conservation Commission		N.A.	32 MoReg 727	
3 CSR 10-9.625	Conservation Commission		N.A.	32 MoReg 729	
3 CSR 10-9.627	Conservation Commission		N.A.	32 MoReg 729	
3 CSR 10-9.628	Conservation Commission		N.A.	32 MoReg 729	
3 CSR 10-11.125	Conservation Commission		N.A.	32 MoReg 730	
<b>DEPARTMENT OF ECONOMIC DEVELOPMENT</b>					
4 CSR 30-6.015	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects (Changed to 20 CSR 2030-6.015)		31 MoReg 1392	31 MoReg 2056	
4 CSR 262-1.010	Small Business Regulatory Fairness Board		32 MoReg 9	32 MoReg 800	
4 CSR 262-1.020	Small Business Regulatory Fairness Board		32 MoReg 13	32 MoReg 800	
4 CSR 265-9.010	Division of Motor Carrier and Railroad Safety (Changed to 7 CSR 265-9.010)		32 MoReg 15	32 MoReg 800	
4 CSR 265-9.020	Division of Motor Carrier and Railroad Safety (Changed to 7 CSR 265-9.020)		32 MoReg 16	32 MoReg 800	
4 CSR 265-9.040	Division of Motor Carrier and Railroad Safety (Changed to 7 CSR 265-9.040)		32 MoReg 17	32 MoReg 801	
4 CSR 265-9.050	Division of Motor Carrier and Railroad Safety (Changed to 7 CSR 265-9.050)		32 MoReg 19	32 MoReg 801	
4 CSR 265-9.060	Division of Motor Carrier and Railroad Safety (Changed to 7 CSR 265-9.060)		32 MoReg 19	32 MoReg 801	
4 CSR 265-9.070	Division of Motor Carrier and Railroad Safety (Changed to 7 CSR 265-9.070)		32 MoReg 19	32 MoReg 801	
4 CSR 265-9.090	Division of Motor Carrier and Railroad Safety (Changed to 7 CSR 265-9.090)		32 MoReg 20	32 MoReg 801	
4 CSR 265-9.100	Division of Motor Carrier and Railroad Safety (Changed to 7 CSR 265-9.100)		32 MoReg 20	32 MoReg 801	
4 CSR 265-9.110	Division of Motor Carrier and Railroad Safety (Changed to 7 CSR 265-9.110)		32 MoReg 21	32 MoReg 801	
4 CSR 265-9.130	Division of Motor Carrier and Railroad Safety (Changed to 7 CSR 265-9.130)		32 MoReg 24	32 MoReg 802	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 265-9.140	Division of Motor Carrier and Railroad Safety ( <i>Changed to 7 CSR 265-9.140</i> )		32 MoReg 24	32 MoReg 802	
4 CSR 265-9.150	Division of Motor Carrier and Railroad Safety ( <i>Changed to 7 CSR 265-9.150</i> )		32 MoReg 25	32 MoReg 802	
<b>DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION</b>					
5 CSR 30-261.040	Division of Administrative and Financial Services		32 MoReg 26	32 MoReg 730	
5 CSR 30-640.010	Division of Administrative and Financial Services		31 MoReg 1869R	32 MoReg 595R	
5 CSR 30-660.065	Division of Administrative and Financial Services		31 MoReg 1869R	32 MoReg 595R	
5 CSR 50-200.010	Division of School Improvement		31 MoReg 1764	32 MoReg 595	
5 CSR 50-200.050	Division of School Improvement		31 MoReg 1641		
5 CSR 50-350.040	Division of School Improvement		32 MoReg 33	32 MoReg 730	
5 CSR 50-500.010	Division of School Improvement		32 MoReg 412		
5 CSR 60-100.050	Division of Career Education		31 MoReg 1644R 32 MoReg 629R		
5 CSR 80-800.200	Teacher Quality and Urban Education		32 MoReg 759		
5 CSR 80-800.220	Teacher Quality and Urban Education		32 MoReg 759		
5 CSR 80-800.230	Teacher Quality and Urban Education		32 MoReg 760		
5 CSR 80-800.260	Teacher Quality and Urban Education		32 MoReg 760		
5 CSR 80-800.270	Teacher Quality and Urban Education		32 MoReg 761		
5 CSR 80-800.280	Teacher Quality and Urban Education		32 MoReg 761		
5 CSR 80-800.350	Teacher Quality and Urban Education		32 MoReg 761		
5 CSR 80-800.360	Teacher Quality and Urban Education		32 MoReg 762		
5 CSR 80-800.380	Teacher Quality and Urban Education		32 MoReg 762		
<b>DEPARTMENT OF HIGHER EDUCATION</b>					
6 CSR 10-2.020	Commissioner of Higher Education		32 MoReg 303	This Issue	
6 CSR 10-2.080	Commissioner of Higher Education		32 MoReg 303	This Issue	
6 CSR 10-2.120	Commissioner of Higher Education		32 MoReg 304	This Issue	
<b>DEPARTMENT OF TRANSPORTATION</b>					
7 CSR 10-4.020	Missouri Highways and Transportation Commission		32 MoReg 629		
7 CSR 10-6.070	Missouri Highways and Transportation Commission		32 MoReg 536		
7 CSR 10-10.010	Missouri Highways and Transportation Commission		32 MoReg 133		
7 CSR 10-10.030	Missouri Highways and Transportation Commission		32 MoReg 134		
7 CSR 10-10.040	Missouri Highways and Transportation Commission		32 MoReg 135		
7 CSR 10-10.050	Missouri Highways and Transportation Commission		32 MoReg 135		
7 CSR 10-10.060	Missouri Highways and Transportation Commission		32 MoReg 136		
7 CSR 10-10.070	Missouri Highways and Transportation Commission		32 MoReg 136		
7 CSR 10-10.080	Missouri Highways and Transportation Commission		32 MoReg 138		
7 CSR 10-10.090	Missouri Highways and Transportation Commission		32 MoReg 138		
7 CSR 10-25.010	Missouri Highways and Transportation Commission				32 MoReg 666 This Issue
7 CSR 10-25.030	Missouri Highways and Transportation Commission ( <i>Changed from 12 CSR 20-3.010</i> )	32 MoReg 521	32 MoReg 541		
7 CSR 265-9.010	Motor Carrier and Railroad Safety ( <i>Changed from 4 CSR 265-9.010</i> )		32 MoReg 15	32 MoReg 800	
7 CSR 265-9.020	Motor Carrier and Railroad Safety ( <i>Changed from 4 CSR 265-9.020</i> )		32 MoReg 16	32 MoReg 800	
7 CSR 265-9.040	Motor Carrier and Railroad Safety ( <i>Changed from 4 CSR 265-9.040</i> )		32 MoReg 17	32 MoReg 801	
7 CSR 265-9.050	Motor Carrier and Railroad Safety ( <i>Changed from 4 CSR 265-9.050</i> )		32 MoReg 19	32 MoReg 801	
7 CSR 265-9.060	Motor Carrier and Railroad Safety ( <i>Changed from 4 CSR 265-9.060</i> )		32 MoReg 19	32 MoReg 801	
7 CSR 265-9.070	Motor Carrier and Railroad Safety ( <i>Changed from 4 CSR 265-9.070</i> )		32 MoReg 19	32 MoReg 801	
7 CSR 265-9.090	Motor Carrier and Railroad Safety ( <i>Changed from 4 CSR 265-9.090</i> )		32 MoReg 20	32 MoReg 801	
7 CSR 265-9.100	Motor Carrier and Railroad Safety ( <i>Changed from 4 CSR 265-9.100</i> )		32 MoReg 20	32 MoReg 801	
7 CSR 265-9.110	Motor Carrier and Railroad Safety ( <i>Changed from 4 CSR 265-9.110</i> )		32 MoReg 21	32 MoReg 801	
7 CSR 265-9.130	Motor Carrier and Railroad Safety ( <i>Changed from 4 CSR 265-9.130</i> )		32 MoReg 24	32 MoReg 802	
7 CSR 265-9.140	Motor Carrier and Railroad Safety ( <i>Changed from 4 CSR 265-9.140</i> )		32 MoReg 24	32 MoReg 802	



Rule Number	Agency	Emergency	Proposed	Order	In Addition
7 CSR 265-9.150	Motor Carrier and Railroad Safety (Changed from 4 CSR 265-9.150)		32 MoReg 25	32 MoReg 802	
<b>DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS</b>					
8 CSR 10-3.130	Division of Employment Security		32 MoReg 537		
<b>DEPARTMENT OF NATURAL RESOURCES</b>					
10 CSR 10-2.070	Air Conservation Commission		32 MoReg 39	This Issue	
10 CSR 10-2.390	Air Conservation Commission		31 MoReg 1941	This Issue	
10 CSR 10-3.090	Air Conservation Commission		32 MoReg 39	This Issue	
10 CSR 10-4.070	Air Conservation Commission		32 MoReg 40	This Issue	
10 CSR 10-5.160	Air Conservation Commission		32 MoReg 41	This Issue	
10 CSR 10-5.220	Air Conservation Commission		32 MoReg 215		
10 CSR 10-5.375	Air Conservation Commission		32 MoReg 305R		
10 CSR 10-5.380	Air Conservation Commission		32 MoReg 305R		
10 CSR 10-5.381	Air Conservation Commission		32 MoReg 306		
10 CSR 10-5.480	Air Conservation Commission		31 MoReg 1965	This Issue	
10 CSR 10-6.062	Air Conservation Commission		31 MoReg 1766	32 MoReg 644	
10 CSR 10-6.070	Air Conservation Commission		32 MoReg 139		
10 CSR 10-6.075	Air Conservation Commission		32 MoReg 139		
10 CSR 10-6.080	Air Conservation Commission		32 MoReg 141		
10 CSR 10-6.300	Air Conservation Commission		32 MoReg 538		
10 CSR 10-6.350	Air Conservation Commission		31 MoReg 1766	32 MoReg 645	
10 CSR 10-6.360	Air Conservation Commission		31 MoReg 1767	32 MoReg 646	
10 CSR 10-6.362	Air Conservation Commission		31 MoReg 1769	32 MoReg 646	
10 CSR 10-6.364	Air Conservation Commission		31 MoReg 1781	32 MoReg 654	
10 CSR 10-6.366	Air Conservation Commission		31 MoReg 1791	32 MoReg 660	
10 CSR 10-6.368	Air Conservation Commission		31 MoReg 1797	32 MoReg 661	
10 CSR 20-4.023	Clean Water Commission	32 MoReg 395	32 MoReg 633		
10 CSR 20-4.030	Clean Water Commission	32 MoReg 396	32 MoReg 636		
10 CSR 20-4.061	Clean Water Commission	32 MoReg 396	32 MoReg 638		
10 CSR 20-7.050	Clean Water Commission	31 MoReg 1845	31 MoReg 2049		
10 CSR 23-3.100	Division of Geology and Land Survey		32 MoReg 320		
10 CSR 23-5.050	Division of Geology and Land Survey		32 MoReg 322		
10 CSR 25-2.020	Hazardous Waste Management Commission		32 MoReg 640		
10 CSR 60-13.010	Public Drinking Water Program	32 MoReg 398	32 MoReg 641		
10 CSR 80-8.020	Solid Waste Management		32 MoReg 224		
10 CSR 80-8.030	Solid Waste Management		32 MoReg 226		
10 CSR 80-8.040	Solid Waste Management		32 MoReg 227R		
10 CSR 80-8.050	Solid Waste Management		32 MoReg 228		
10 CSR 80-8.060	Solid Waste Management		32 MoReg 238		
10 CSR 80-9.010	Solid Waste Management		32 MoReg 323R		
10 CSR 80-9.030	Solid Waste Management		32 MoReg 241		
10 CSR 80-9.035	Solid Waste Management		32 MoReg 242		
10 CSR 80-9.050	Solid Waste Management		32 MoReg 323		
10 CSR 100-2.010	Petroleum Storage Tank Insurance Fund Board of Trustees		32 MoReg 42	This Issue	
10 CSR 100-4.010	Petroleum Storage Tank Insurance Fund Board of Trustees		32 MoReg 43	This Issue	
10 CSR 100-4.020	Petroleum Storage Tank Insurance Fund Board of Trustees		32 MoReg 43	This Issue	
10 CSR 100-5.010	Petroleum Storage Tank Insurance Fund Board of Trustees		32 MoReg 44	This IssueW	
10 CSR 140-2	Division of Energy				32 MoReg 599
10 CSR 140-6.010	Division of Energy		32 MoReg 696		
<b>DEPARTMENT OF PUBLIC SAFETY</b>					
11 CSR 30-11.010	Office of the Director		32 MoReg 142		
11 CSR 40-5.050	Division of Fire Safety		32 MoReg 45	32 MoReg 663	
11 CSR 40-5.065	Division of Fire Safety		32 MoReg 45	32 MoReg 663	
11 CSR 40-5.070	Division of Fire Safety		32 MoReg 50	32 MoReg 664	
11 CSR 40-5.080	Division of Fire Safety		32 MoReg 50	32 MoReg 664	
11 CSR 40-5.090	Division of Fire Safety		32 MoReg 52	32 MoReg 664	
11 CSR 40-5.110	Division of Fire Safety		32 MoReg 52	32 MoReg 664	
			This Issue		
11 CSR 45-1.090	Missouri Gaming Commission		32 MoReg 579		
11 CSR 45-5.051	Missouri Gaming Commission		32 MoReg 581		
11 CSR 45-5.183	Missouri Gaming Commission		32 MoReg 581		
11 CSR 45-5.184	Missouri Gaming Commission		32 MoReg 582		
11 CSR 45-5.185	Missouri Gaming Commission		32 MoReg 585		
11 CSR 45-5.265	Missouri Gaming Commission		32 MoReg 587		
11 CSR 45-8.130	Missouri Gaming Commission		32 MoReg 590		
11 CSR 45-9.030	Missouri Gaming Commission		32 MoReg 591		
11 CSR 45-12.080	Missouri Gaming Commission		31 MoReg 1990	32 MoReg 595	
11 CSR 45-13.055	Missouri Gaming Commission	32 MoReg 5	32 MoReg 55	32 MoReg 731W	
11 CSR 45-30.280	Missouri Gaming Commission		31 MoReg 1990	32 MoReg 596	
<b>DEPARTMENT OF REVENUE</b>					
12 CSR 10-41.010	Director of Revenue	31 MoReg 1935	31 MoReg 1991	32 MoReg 596	
12 CSR 10-42.110	Director of Revenue		31 MoReg 1994R	32 MoReg 596R	
12 CSR 10-400.200	Director of Revenue		31 MoReg 1994	32 MoReg 596	
12 CSR 10-400.210	Director of Revenue		31 MoReg 1998	32 MoReg 597	
12 CSR 10-405.105	Director of Revenue		31 MoReg 2001	32 MoReg 597	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
12 CSR 10-405.205	Director of Revenue		31 MoReg 2001	32 MoReg 597	
12 CSR 20-3.010	Highway Reciprocity Commission (Changed to 7 CSR 10-25.030)	32 MoReg 521	32 MoReg 541		
<b>DEPARTMENT OF SOCIAL SERVICES</b>					
13 CSR 40-32.010	Family Support Division	32 MoReg 693			
13 CSR 70-3.020	Division of Medical Services		32 MoReg 697		
13 CSR 70-3.030	Division of Medical Services		31 MoReg 2050 32 MoReg 698	32 MoReg 597	
13 CSR 70-10.015	Division of Medical Services		32 MoReg 700		
13 CSR 70-10.030	Division of Medical Services	32 MoReg 293	32 MoReg 332	This Issue	
13 CSR 70-10.080	Division of Medical Services		32 MoReg 716		
13 CSR 70-15.010	Division of Medical Services		32 MoReg 593		
13 CSR 70-20.031	Division of Medical Services		32 MoReg 335	This Issue	
13 CSR 70-20.032	Division of Medical Services		32 MoReg 335	This Issue	
13 CSR 70-20.034	Division of Medical Services		32 MoReg 335	This Issue	
<b>ELECTED OFFICIALS</b>					
15 CSR 30-51.180	Secretary of State	32 MoReg 399 32 MoReg 400T 32 MoReg 400	32 MoReg 415		
<b>DEPARTMENT OF HEALTH AND SENIOR SERVICES</b>					
19 CSR 30-20.001	Division of Regulation and Licensure		32 MoReg 336		
19 CSR 30-30.010	Division of Regulation and Licensure		32 MoReg 336		
19 CSR 30-30.020	Division of Regulation and Licensure		32 MoReg 337		
19 CSR 30-40.410	Division of Regulation and Licensure		32 MoReg 338		
19 CSR 30-40.430	Division of Regulation and Licensure		32 MoReg 339		
19 CSR 30-40.450	Division of Regulation and Licensure		31 MoReg 995	31 MoReg 2017W	
19 CSR 30-80.030	Division of Regulation and Licensure		32 MoReg 415		
19 CSR 60-50	Missouri Health Facilities Review Committee				32 MoReg 733 32 MoReg 806
<b>DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION</b>					
20 CSR	Construction Claims Binding Arbitration Cap				32 MoReg 667
20 CSR	Medical Malpractice				30 MoReg 481 31 MoReg 616 32 MoReg 545
20 CSR	Sovereign Immunity Limits				30 MoReg 108 30 MoReg 2587 31 MoReg 2019
20 CSR	State Legal Expense Fund Cap				32 MoReg 668
20 CSR 400-7.095	Life, Annuities and Health		32 MoReg 142	32 MoReg 731	
20 CSR 500-5.020	Property and Casualty	32 MoReg 401	32 MoReg 416		
20 CSR 500-5.025	Property and Casualty	32 MoReg 403	32 MoReg 423		
20 CSR 500-5.026	Property and Casualty	32 MoReg 404	32 MoReg 423		
20 CSR 500-5.027	Property and Casualty	32 MoReg 404	32 MoReg 424		
20 CSR 700-4.100	Licensing		32 MoReg 718		
20 CSR 700-6.350	Licensing		31 MoReg 931		
20 CSR 2030-6.015	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		32 MoReg 55	This Issue	
20 CSR 2040-3.030	Office of Athletics		32 MoReg 719		
20 CSR 2040-4.090	Office of Athletics		32 MoReg 719		
20 CSR 2040-8.010	Office of Athletics		32 MoReg 763		
20 CSR 2040-8.020	Office of Athletics		32 MoReg 764		
20 CSR 2040-8.030	Office of Athletics		32 MoReg 770		
20 CSR 2040-8.040	Office of Athletics		32 MoReg 774		
20 CSR 2040-8.050	Office of Athletics		32 MoReg 778		
20 CSR 2040-8.060	Office of Athletics		32 MoReg 779		
20 CSR 2040-8.070	Office of Athletics		32 MoReg 783		
20 CSR 2040-8.080	Office of Athletics		32 MoReg 783		
20 CSR 2040-8.090	Office of Athletics		32 MoReg 786		
20 CSR 2040-8.100	Office of Athletics		32 MoReg 786		
20 CSR 2040-8.110	Office of Athletics		32 MoReg 789		
20 CSR 2040-8.120	Office of Athletics		32 MoReg 790		
20 CSR 2040-8.130	Office of Athletics		32 MoReg 792		
20 CSR 2040-8.140	Office of Athletics		32 MoReg 794		
20 CSR 2040-8.150	Office of Athletics		32 MoReg 795		
20 CSR 2040-8.160	Office of Athletics		32 MoReg 795		
20 CSR 2040-8.170	Office of Athletics		32 MoReg 798		
20 CSR 2040-8.180	Office of Athletics		32 MoReg 798		
20 CSR 2040-8.190	Office of Athletics		32 MoReg 799		
20 CSR 2115-2.010	State Committee of Dietitians		32 MoReg 58	32 MoReg 664	
20 CSR 2115-2.050	State Committee of Dietitians		32 MoReg 58	32 MoReg 664	
20 CSR 2120-1.010	State Board of Embalmers and Funeral Directors		32 MoReg 424		
20 CSR 2120-1.040	State Board of Embalmers and Funeral Directors		32 MoReg 428		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
20 CSR 2120-2.010	State Board of Embalmers and Funeral Directors		32 MoReg 431		
20 CSR 2120-2.040	State Board of Embalmers and Funeral Directors		32 MoReg 432		
20 CSR 2120-2.050	State Board of Embalmers and Funeral Directors		32 MoReg 433		
20 CSR 2120-2.071	State Board of Embalmers and Funeral Directors		32 MoReg 434		
20 CSR 2120-2.090	State Board of Embalmers and Funeral Directors		32 MoReg 435		
20 CSR 2120-2.100	State Board of Embalmers and Funeral Directors		32 MoReg 437		
20 CSR 2150-4.052	State Board of Registration for the Healing Arts		31 MoReg 1876	32 MoReg 664W	
20 CSR 2150-6.020	State Board of Registration for the Healing Arts		31 MoReg 1877	32 MoReg 665	
20 CSR 2193-1.010	Interior Design Council		32 MoReg 148	32 MoReg 802	
20 CSR 2193-1.020	Interior Design Council		32 MoReg 148	32 MoReg 802	
20 CSR 2193-2.010	Interior Design Council		32 MoReg 148	32 MoReg 803	
20 CSR 2193-2.040	Interior Design Council		32 MoReg 149	32 MoReg 803	
20 CSR 2193-3.010	Interior Design Council		32 MoReg 149	32 MoReg 803	
20 CSR 2193-3.020	Interior Design Council		32 MoReg 150	32 MoReg 803	
20 CSR 2193-5.010	Interior Design Council		32 MoReg 150	32 MoReg 803	
20 CSR 2200-2.001	State Board of Nursing		This IssueR		
20 CSR 2200-2.010	State Board of Nursing		This IssueR		
20 CSR 2200-2.020	State Board of Nursing		This IssueR		
20 CSR 2200-2.030	State Board of Nursing		This IssueR		
20 CSR 2200-2.035	State Board of Nursing		This IssueR		
20 CSR 2200-2.040	State Board of Nursing		This IssueR		
20 CSR 2200-2.050	State Board of Nursing		This IssueR		
20 CSR 2200-2.060	State Board of Nursing		This IssueR		
20 CSR 2200-2.070	State Board of Nursing		This IssueR		
20 CSR 2200-2.080	State Board of Nursing		This IssueR		
20 CSR 2200-2.085	State Board of Nursing		This IssueR		
20 CSR 2200-2.090	State Board of Nursing		This IssueR		
20 CSR 2200-2.100	State Board of Nursing		This IssueR		
20 CSR 2200-2.110	State Board of Nursing		This IssueR		
20 CSR 2200-2.120	State Board of Nursing		This IssueR		
20 CSR 2200-2.130	State Board of Nursing		This IssueR		
20 CSR 2200-2.180	State Board of Nursing		This IssueR		
20 CSR 2200-3.001	State Board of Nursing		This IssueR		
20 CSR 2200-3.010	State Board of Nursing		This IssueR		
20 CSR 2200-3.020	State Board of Nursing		This IssueR		
20 CSR 2200-3.030	State Board of Nursing		This IssueR		
20 CSR 2200-3.035	State Board of Nursing		This IssueR		
20 CSR 2200-3.040	State Board of Nursing		This IssueR		
20 CSR 2200-3.050	State Board of Nursing		This IssueR		
20 CSR 2200-3.060	State Board of Nursing		This IssueR		
20 CSR 2200-3.070	State Board of Nursing		This IssueR		
20 CSR 2200-3.080	State Board of Nursing		This IssueR		
20 CSR 2200-3.085	State Board of Nursing		This IssueR		
20 CSR 2200-3.090	State Board of Nursing		This IssueR		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
20 CSR 2200-3.100	State Board of Nursing		This IssueR This Issue		
20 CSR 2200-3.110	State Board of Nursing		This IssueR This Issue		
20 CSR 2200-3.120	State Board of Nursing		This IssueR This Issue		
20 CSR 2200-3.130	State Board of Nursing		This IssueR This Issue		
20 CSR 2200-3.180	State Board of Nursing		This IssueR This Issue		
20 CSR 2210-1.010	State Board of Optometry		32 MoReg 58	32 MoReg 665	
20 CSR 2210-2.011	State Board of Optometry		32 MoReg 59	32 MoReg 665	
20 CSR 2210-2.020	State Board of Optometry		32 MoReg 61	32 MoReg 665	
20 CSR 2210-2.070	State Board of Optometry		32 MoReg 63	32 MoReg 665	
20 CSR 2235-1.015	State Committee of Psychologists		32 MoReg 150	32 MoReg 732	
20 CSR 2235-1.050	State Committee of Psychologists		32 MoReg 151	32 MoReg 732	
20 CSR 2235-1.063	State Committee of Psychologists		32 MoReg 151	32 MoReg 732	
20 CSR 2235-2.040	State Committee of Psychologists		32 MoReg 720		
20 CSR 2245-1.010	Real Estate Appraisers		32 MoReg 63	This Issue	
20 CSR 2245-1.020	Real Estate Appraisers		32 MoReg 63R	This IssueR	
20 CSR 2245-2.020	Real Estate Appraisers		32 MoReg 64	This Issue	
20 CSR 2245-2.040	Real Estate Appraisers		32 MoReg 64R	This IssueR	
20 CSR 2245-2.050	Real Estate Appraisers		32 MoReg 64	This Issue	
20 CSR 2245-3.005	Real Estate Appraisers		32 MoReg 65	This Issue	
20 CSR 2245-3.010	Real Estate Appraisers		32 MoReg 69	This Issue	
20 CSR 2245-3.020	Real Estate Appraisers		32 MoReg 72	This Issue	
20 CSR 2245-4.040	Real Estate Appraisers		32 MoReg 72	This Issue	
20 CSR 2245-4.050	Real Estate Appraisers		32 MoReg 72	This Issue	
20 CSR 2245-4.060	Real Estate Appraisers		32 MoReg 73	This Issue	
20 CSR 2245-5.010	Real Estate Appraisers		32 MoReg 73	This Issue	
20 CSR 2245-5.020	Real Estate Appraisers		32 MoReg 74	This Issue	
20 CSR 2245-6.015	Real Estate Appraisers		32 MoReg 77	This Issue	
20 CSR 2245-6.020	Real Estate Appraisers		32 MoReg 78R	This IssueR	
20 CSR 2245-6.030	Real Estate Appraisers		32 MoReg 78R	This IssueR	
20 CSR 2245-6.040	Real Estate Appraisers		32 MoReg 79	This Issue	
20 CSR 2245-7.010	Real Estate Appraisers		32 MoReg 81	This Issue	
20 CSR 2245-7.020	Real Estate Appraisers		32 MoReg 85	This Issue	
20 CSR 2245-7.030	Real Estate Appraisers		32 MoReg 85R	This IssueR	
20 CSR 2245-7.040	Real Estate Appraisers		32 MoReg 85R	This IssueR	
20 CSR 2245-7.050	Real Estate Appraisers		32 MoReg 86R	This IssueR	
20 CSR 2245-7.060	Real Estate Appraisers		32 MoReg 86	This Issue	
20 CSR 2245-8.010	Real Estate Appraisers		32 MoReg 86	This Issue	
20 CSR 2245-8.020	Real Estate Appraisers		32 MoReg 87	This Issue	
20 CSR 2245-8.030	Real Estate Appraisers		32 MoReg 90	This Issue	
20 CSR 2245-8.040	Real Estate Appraisers		32 MoReg 90	This Issue	
20 CSR 2245-8.050	Real Estate Appraisers		32 MoReg 92	This Issue	
20 CSR 2263-2.032	State Committee for Social Workers		32 MoReg 152	32 MoReg 803	
20 CSR 2263-2.050	State Committee for Social Workers		32 MoReg 154	32 MoReg 804	
20 CSR 2263-2.052	State Committee for Social Workers		32 MoReg 156	32 MoReg 804	
20 CSR 2263-2.060	State Committee for Social Workers		32 MoReg 158	32 MoReg 804	
20 CSR 2263-2.062	State Committee for Social Workers		32 MoReg 160	32 MoReg 804	
<b>MISSOURI CONSOLIDATED HEALTH CARE PLAN</b>					
22 CSR 10-2.010	Health Care Plan	32 MoReg 209	32 MoReg 245	32 MoReg 804	
22 CSR 10-2.060	Health Care Plan	32 MoReg 210	32 MoReg 246	32 MoReg 805	
22 CSR 10-2.067	Health Care Plan	32 MoReg 210	32 MoReg 249	32 MoReg 805	
22 CSR 10-2.090	Health Care Plan	32 MoReg 211R	32 MoReg 252R	32 MoReg 805R	



Agency	Publication	Expiration
--------	-------------	------------

**Department of Transportation****Missouri Highways and Transportation Commission**

7 CSR 10-25.030	Apportion Registration . . . . .	32 MoReg 521 . . . . .	August 29, 2007
-----------------	----------------------------------	------------------------	-----------------

**Department of Natural Resources****Clean Water Commission**

10 CSR 20-4.023	State Forty Percent Construction Grant Program . . . . .	32 MoReg 395 . . . . .	August 30, 2007
-----------------	--	------------------------	-----------------

10 CSR 20-4.030	Grants for Sewer Districts and Certain Small Municipal Sewer Systems . . . . .	32 MoReg 396 . . . . .	August 30, 2007
-----------------	--	------------------------	-----------------

10 CSR 20-4.061	Storm Water Grant and Loan Program . . . . .	32 MoReg 396 . . . . .	August 30, 2007
-----------------	--	------------------------	-----------------

**Public Drinking Water Program**

10 CSR 60-13.010	Grants for Public Water Supply Districts and Small Municipal Water		
------------------	--	--	--

Supply Systems . . . . .	32 MoReg 398 . . . . .	August 30, 2007
--------------------------	------------------------	-----------------

**Department of Public Safety****Missouri Gaming Commission**

11 CSR 45-13.055	Emergency Order Suspending License Privileges—Expedited Hearing . . . . .	32 MoReg 5 . . . . .	June 7, 2007
------------------	---	----------------------	--------------

**Department of Revenue****Director of Revenue**

12 CSR 10-41.010	Annual Adjusted Rate of Interest . . . . .	31 MoReg 1935 . . . . .	June 29, 2007
------------------	--	-------------------------	---------------

**Highway Reciprocity**

12 CSR 20-3.010	Apportion Registration . . . . .	32 MoReg 521 . . . . .	August 29, 2007
-----------------	----------------------------------	------------------------	-----------------

**Department of Social Services****Family Support Division**

13 CSR 40-32.010	Basis of Payment . . . . .	32 MoReg 693 . . . . .	September 27, 2007
------------------	----------------------------	------------------------	--------------------

**Division of Medical Services**

13 CSR 70-10.030	Prospective Reimbursement Plan for Nonstate-Operated Facilities for		
------------------	---	--	--

ICF/MR Services . . . . .	32 MoReg 293 . . . . .	August 1, 2007
---------------------------	------------------------	----------------

**Elected Officials****Secretary of State**

15 CSR 30-51.180	Exemptions from Registration for Broker-Dealers, Agents, Investment		
------------------	---	--	--

Advisors, and Investment Advisors Representatives. . . . .	32 MoReg 400 . . . . .	August 10, 2007
--	------------------------	-----------------

**Department of Insurance, Financial Institutions and Professional Registration****Property and Casualty**

20 CSR 500-5.020	Medical Malpractice Insurance Rate Filings . . . . .	32 MoReg 401 . . . . .	August 10, 2007
------------------	--	------------------------	-----------------

20 CSR 500-5.025	Determination of Inadequate Rates . . . . .	32 MoReg 403 . . . . .	August 10, 2007
------------------	---	------------------------	-----------------

20 CSR 500-5.026	Determination of Excessive Rates . . . . .	32 MoReg 404 . . . . .	August 10, 2007
------------------	--	------------------------	-----------------

20 CSR 500-5.027	Determination of Unfairly Discriminatory Rates . . . . .	32 MoReg 404 . . . . .	August 10, 2007
------------------	--	------------------------	-----------------

**Statistical Reporting**

20 CSR 600-1.030	Medical Malpractice Statistical Data Reporting . . . . .	July 2, 2007 Issue . . . . .	February 28, 2008
------------------	--	------------------------------	-------------------

**Missouri Consolidated Health Care Plan****Health Care Plan**

22 CSR 10-2.010	Definitions . . . . .	32 MoReg 209 . . . . .	June 29, 2007
-----------------	-----------------------	------------------------	---------------

22 CSR 10-2.060	PPO and Co-Pay Plan Limitations . . . . .	32 MoReg 210 . . . . .	June 29, 2007
-----------------	---	------------------------	---------------

22 CSR 10-2.067	HMO and POS Limitations . . . . .	32 MoReg 210 . . . . .	June 29, 2007
-----------------	-----------------------------------	------------------------	---------------

22 CSR 10-2.090	Pharmacy Benefit Summary . . . . .	32 MoReg 211 . . . . .	June 29, 2007
-----------------	------------------------------------	------------------------	---------------

# Executive Orders

## Executive Orders

### Subject Matter

### Filed Date

### Publication

#### 2007

07-01	Authorizes Transportation Director to temporarily suspend certain commercial motor vehicle regulations in response to emergencies	January 2, 2007	32 MoReg 295
07-02	Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan be activated	January 13, 2007	32 MoReg 298
07-03	Directs the Adjutant General call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and to support civilian authorities	January 13, 2007	32 MoReg 299
07-04	Vests the Director of the Missouri Department of Natural Resources with full discretionary authority to temporarily waive or suspend the operation of any statutory or administrative rule or regulation currently in place under his purview in order to better serve the interest of public health and safety during the period of the emergency and subsequent recovery period	January 13, 2007	32 MoReg 301
07-05	Transfers the Breath Alcohol Program from the Missouri Department of Health and Senior Services to the Missouri Department of Transportation	January 30, 2007	32 MoReg 406
07-06	Transfers the function of collecting surplus lines taxes from the Missouri Department of Insurance, Financial Institutions and Professional Registration to the Department of Revenue	January 30, 2007	32 MoReg 408
07-07	Transfers the Crime Victims' Compensation Fund from the Missouri Department of Labor and Industrial Relations to the Missouri Department of Public Safety	January 30, 2007	32 MoReg 410
07-08	Extends the declaration of emergency contained in Executive Order 07-02 and the terms of Executive Order 07-04 through May 15, 2007, for continuing cleanup efforts from a severe storm that began on January 12	February 6, 2007	32 MoReg 524
07-09	Orders the Commissioner of Administration to take certain specific cost saving actions with the OA Vehicle Fleet	February 23, 2007	32 MoReg 571
07-10	Reorganizes the Governor's Advisory Council on Physical Fitness and Health and relocates it to the Department of Health and Senior Services	February 23, 2007	32 MoReg 573
07-11	Designates members of staff with supervisory authority over selected state agencies	February 23, 2007	32 MoReg 576
07-12	Orders agencies to support measures that promote transparency in health care	March 2, 2007	32 MoReg 625
07-13	Orders agencies to audit contractors to ensure that they employ people who are eligible to work in the United States, and requires future contracts to contain language allowing the state to cancel the contract if the contractor has knowingly employed individuals who are not eligible to work in the United States	March 6, 2007	32 MoReg 627
07-14	Creates and establishes the Missouri Mentor Initiative, under which up to 200 full-time employees of the state of Missouri are eligible for one hour per week of paid approved work to mentor in Missouri public primary and secondary schools up to 40 hours annually	April 11, 2007	32 MoReg 757
07-15	Gov. Matt Blunt increases the membership of the Mental Health Transformation Working Group from eighteen to twenty-four members	April 23, 2007	This Issue
07-17	Gov. Matt Blunt activates portions of the Missouri National Guard in response to severe storms and potential flooding	May 7, 2007	Next Issue
07-18	Gov. Matt Blunt declares a State of Emergency and directs the Missouri State Emergency Operations Plan be activated in response to severe storms that began May 5	May 7, 2007	Next Issue
07-19	Gov. Matt Blunt authorizes the departments and agencies of the Executive Branch of Missouri state government to adopt a program by which employees may donate a portion of their annual leave benefits to other employees who have experienced personal loss due to the 2007 flood or who have volunteered in a flood relief	May 7, 2007	Next Issue
07-20	Gov. Matt Blunt gives the director of the Department of Natural Resources the authority to suspend regulations in the aftermath of a flood emergency	May 7, 2007	Next Issue

#### 2006

06-01	Designates members of staff with supervisory authority over selected state agencies	January 10, 2006	31 MoReg 281
06-02	Extends the deadline for the State Retirement Consolidation Commission to issue its final report and terminate operations to March 1, 2006	January 11, 2006	31 MoReg 283
06-03	Creates and establishes the Missouri Healthcare Information Technology Task Force	January 17, 2006	31 MoReg 371

**Executive  
Orders**

	<b>Subject Matter</b>	<b>Filed Date</b>	<b>Publication</b>
<b>06-04</b>	Governor Matt Blunt transfers functions, personnel, property, etc. of the Division of Finance, the State Banking Board, the Division of Credit Unions, and the Division of Professional Registration to the Department of Insurance. Renames the Department of Insurance as the Missouri Department of Insurance, Financial Institutions and Professional Registration. Effective August 28, 2006	February 1, 2006	31 MoReg 448
<b>06-05</b>	Governor Matt Blunt transfers functions, personnel, property, etc. of the Missouri Rx Plan Advisory Commission to the Missouri Department of Health and Senior Services. Effective August 28, 2006	February 1, 2006	31 MoReg 451
<b>06-06</b>	Governor Matt Blunt transfers functions, personnel, property, etc. of the Missouri Assistive Technology Advisory Council to the Missouri Department of Elementary and Secondary Education. Rescinds certain provisions of Executive Order 04-08. Effective August 28, 2006	February 1, 2006	31 MoReg 453
<b>06-07</b>	Governor Matt Blunt transfers functions, personnel, property, etc. of the Missouri Life Sciences Research Board to the Missouri Department of Economic Development	February 1, 2006	31 MoReg 455
<b>06-08</b>	Names the state office building, located at 1616 Missouri Boulevard, Jefferson City, Missouri, in honor of George Washington Carver	February 7, 2006	31 MoReg 457
<b>06-09</b>	Directs and orders that the Director of the Department of Public Safety is the Homeland Security Advisor to the Governor, reauthorizes the Homeland Security Advisory Council and assigns them additional duties	February 10, 2006	31 MoReg 460
<b>06-10</b>	Establishes the Government, Faith-based and Community Partnership	March 7, 2006	31 MoReg 577
<b>06-11</b>	Orders and directs the Adjutant General to call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property and to employ such equipment as may be necessary in support of civilian authorities	March 13, 2006	31 MoReg 580
<b>06-12</b>	Declares that a State of Emergency exists in the State of Missouri and directs that the Missouri State Emergency Operation Plan be activated	March 13, 2006	31 MoReg 582
<b>06-13</b>	The Director of the Missouri Department of Natural Resources is vested with full discretionary authority to temporarily waive or suspend the operation of any statutory or administrative rule or regulation currently in place under his purview in order to best serve the public health and safety during the period of the emergency and the subsequent recovery period	March 13, 2006	31 MoReg 584
<b>06-14</b>	Declares a State of Emergency exists in the State of Missouri and directs that the Missouri State Emergency Operation Plan be activated	April 3, 2006	31 MoReg 643
<b>06-15</b>	Orders and directs the Adjutant General, or his designee, to call and order into active service portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and take such action and employ such equipment as may be necessary in support of civilian authorities, and provide assistance as authorized and directed by the Governor	April 3, 2006	31 MoReg 645
<b>06-16</b>	Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan be activated	April 3, 2006	31 MoReg 647
<b>06-17</b>	Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan be activated	April 3, 2006	31 MoReg 649
<b>06-18</b>	Authorizes the investigators from the Division of Fire Safety, the Park Rangers from the Department of Natural Resources, the Conservation Agents from the Department of Conservation, and other POST certified state agency investigators to exercise full state wide police authority as vested in Missouri peace officers pursuant to Chapter 590, RSMo during the period of this state declaration of emergency	April 3, 2006	31 MoReg 651
<b>06-19</b>	Allows the director of the Missouri Department of Natural Resources to grant waivers to help expedite storm recovery efforts	April 3, 2006	31 MoReg 652
<b>06-20</b>	Creates interim requirements for overdimension and overweight permits for commercial motor carriers engaged in storm recovery efforts	April 5, 2006	31 MoReg 765
<b>06-21</b>	Designates members of staff with supervisory authority over selected state agencies	June 2, 2006	31 MoReg 1055
<b>06-22</b>	Healthy Families Trust Fund	June 22, 2006	31 MoReg 1137
<b>06-23</b>	Establishes Interoperable Communication Committee	June 27, 2006	31 MoReg 1139
<b>06-24</b>	Establishes Missouri Abraham Lincoln Bicentennial Commission	July 3, 2006	31 MoReg 1209
<b>06-25</b>	Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan be activated	July 20, 2006	31 MoReg 1298
<b>06-26</b>	Directs the Adjutant General to call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and to support civilian authorities	July 20, 2006	31 MoReg 1300
<b>06-27</b>	Allows the director of the Missouri Department of Natural Resources to grant waivers to help expedite storm recovery efforts	July 21, 2006	31 MoReg 1302

<b>Executive Orders</b>	<b>Subject Matter</b>	<b>Filed Date</b>	<b>Publication</b>
<b>06-28</b>	Authorizes Transportation Director to issue declaration of regional or local emergency with reference to motor carriers	July 22, 2006	31 MoReg 1304
<b>06-29</b>	Authorizes Transportation Director to temporarily suspend certain commercial motor vehicle regulations in response to emergencies	August 11, 2006	31 MoReg 1389
<b>06-30</b>	Extends the declaration of emergency contained in Executive Order 06-25 and the terms of Executive Order 06-27 through September 22, 2006, for the purpose of continuing the cleanup efforts in the east central part of the State of Missouri	August 18, 2006	31 MoReg 1466
<b>06-31</b>	Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan be activated	September 23, 2006	31 MoReg 1699
<b>06-32</b>	Allows the director of the Missouri Department of Natural Resources to grant waivers to help expedite storm recovery efforts	September 26, 2006	31 MoReg 1701
<b>06-33</b>	Governor Matt Blunt orders all state employees to enable any state owned wireless telecommunications device capable of receiving text messages or emails to receive wireless AMBER alerts	October 4, 2006	31 MoReg 1847
<b>06-34</b>	Governor Matt Blunt amends Executive Order 03-26 relating to the duties of the Information Technology Services Division and the Information Technology Advisory Board	October 11, 2006	31 MoReg 1849
<b>06-35</b>	Governor Matt Blunt creates the Interdepartmental Coordination Council for Job Creation and Economic Growth	October 11, 2006	31 MoReg 1852
<b>06-36</b>	Governor Matt Blunt creates the Interdepartmental Coordination Council for Laboratory Services and Utilization	October 11, 2006	31 MoReg 1854
<b>06-37</b>	Governor Matt Blunt creates the Interdepartmental Coordination Council for Rural Affairs	October 11, 2006	31 MoReg 1856
<b>06-38</b>	Governor Matt Blunt creates the Interdepartmental Coordination Council for State Employee Career Opportunity	October 11, 2006	31 MoReg 1858
<b>06-39</b>	Governor Matt Blunt creates the Mental Health Transformation Working Group	October 11, 2006	31 MoReg 1860
<b>06-40</b>	Governor Matt Blunt creates the Interdepartmental Coordination Council for State Service Delivery Efficiency	October 11, 2006	31 MoReg 1863
<b>06-41</b>	Governor Matt Blunt creates the Interdepartmental Coordination Council for Water Quality	October 11, 2006	31 MoReg 1865
<b>06-42</b>	Designates members of staff with supervisory authority over selected state departments, divisions, and agencies	October 20, 2006	31 MoReg 1936
<b>06-43</b>	Closes state offices on Friday, November 24, 2006	October 24, 2006	31 MoReg 1938
<b>06-44</b>	Adds elementary and secondary education as another category with full membership representation on the Regional Homeland Security Oversight Committees in order to make certain that schools are included and actively engaged in homeland security planning at the state and local level	October 26, 2006	31 MoReg 1939
<b>06-45</b>	Directs the Department of Social Services to prepare a Medicaid beneficiary employer report to be submitted to the governor on a quarterly basis. Such report shall be known as the Missouri Health Care Responsibility Report	November 27, 2006	32 MoReg 6
<b>06-46</b>	Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan be activated	December 1, 2006	32 MoReg 127
<b>06-47</b>	Directs the Adjutant General call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and to support civilian authorities	December 1, 2006	32 MoReg 129
<b>06-48</b>	Vests the Director of the Missouri Department of Natural Resources with full discretionary authority to temporarily waive or suspend the operation of any statutory or administrative rule or regulation currently in place under his purview in order to better serve the interest of public health and safety during the period of the emergency and subsequent recovery period	December 1, 2006	32 MoReg 131
<b>06-49</b>	Directs the Department of Mental Health to implement recommendations from the Mental Health Task Force to protect client safety and improve the delivery of mental health services	December 19, 2006	32 MoReg 212
<b>06-50</b>	Extends the declaration of emergency contained in Executive Order 06-46 and the terms of Executive Order 06-48 through March 1, 2007, for the purpose of continuing the cleanup efforts in the affected Missouri communities	December 28, 2006	32 MoReg 214



The rule number and the MoReg publication date follow each entry to this index.

## ADVERTISING, OUTDOOR

permits; 7 CSR 10-6.070; 3/15/07

## AIR QUALITY, AIR POLLUTION CONTROL

clean air interstate rule

annual NO<sub>x</sub> trading program; 10 CSR 10-6.362; 11/1/06, 4/16/07

seasonal NO<sub>x</sub> trading program; 10 CSR 10-6.364; 11/1/06, 4/16/07

SO<sub>2</sub> trading program; 10 CSR 10-6.366; 11/1/06, 4/16/07

conformity of general federal actions to state implementation plans; 10 CSR 10-6.300; 3/15/07

conformity to state and federal implementation plans under Title 23 U.S.C. or the federal transit laws

Kansas City; 10 CSR 10-2.390; 12/1/06, 6/1/07

St. Louis; 10 CSR 10-5.480; 12/1/06, 6/1/07

construction permits by rule; 10 CSR 10-6.062; 11/1/06, 4/16/07

control of petroleum liquid storage, loading and transfer; 10 CSR 10-5.220; 2/1/07

control of mercury emissions from

electric generating units; 10 CSR 10-6.368; 11/1/06, 4/16/07

control of NO<sub>x</sub> emissions from

electric generating units, nonelectric generating boilers;

10 CSR 10-6.360; 11/1/06, 4/16/07

emissions

hazardous air pollutants; 10 CSR 10-6.080; 1/16/07

limitations, trading of oxides of nitrogen; 10 CSR 10-6.350; 11/1/06, 4/16/07

motor vehicle inspection; 10 CSR 10-5.380; 2/15/07

on-board diagnostics; 10 CSR 10-5.381; 2/15/07

waiver; 10 CSR 10-5.375; 2/15/07

maximum achievable control technology; 10 CSR 10-6.075; 1/16/07

new source performance; 10 CSR 10-6.070; 1/16/07

restriction of emission of odors; 10 CSR 10-2.070,

10 CSR 10-3.090, 10 CSR 10-4.070, 10 CSR 10-5.160; 1/2/07, 6/1/07

## AMBULATORY SURGICAL CENTERS

administration standards; 19 CSR 30-30.020; 2/15/07

definitions; 19 CSR 30-30.010; 2/15/07

## ANESTHESIOLOGIST ASSISTANTS

continuing education; 4 CSR 150-9.070; 7/17/06

## ANIMAL HEALTH

inspection of meat and poultry; 2 CSR 30-10.010; 4/2/07

## ARCHITECTS, PROFESSIONAL ENGINEERS, PROFESSIONAL LAND SURVEYORS, LANDSCAPE ARCHITECTS

application, renewal, reinstatement, reregistration, fees; 20 CSR 2030-6.015; 1/2/07, 6/1/07

continuing education

architects; 20 CSR 2030-11.025; 11/15/06, 3/1/07

continuing professional competency

engineers; 20 CSR 2030-11.015; 11/15/06, 3/1/07

seal, licensee's; 20 CSR 2030-3.060; 11/15/06, 3/1/07

## ATHLETICS, OFFICE OF

contestants; 20 CSR 2040-4.090; 5/1/07

nationally recognized amateur sanctioning bodies, approved; 20 CSR 2040-3.030; 5/1/07

## ATHLETIC TRAINERS

applicants for registration; 20 CSR 2150-6.020; 11/15/06, 4/2/07

## AUDITOR, OFFICE OF THE STATE

financial reports, political subdivisions; 15 CSR 40-3.030; 8/1/06, 12/1/06

## BINGO

net receipts; 11 CSR 45-30.280; 12/1/06, 4/2/07

## CERTIFICATE OF NEED

administration; 19 CSR 60-50.900; 9/15/06, 2/15/07

application process; 19 CSR 60-50.430; 9/15/06, 2/15/07

criteria and standards

financial feasibility; 19 CSR 60-50.470; 9/15/06, 2/15/07

long-term care; 19 CSR 60-50.450; 9/15/06, 2/15/07

decisions; 19 CSR 60-50.600; 9/15/06, 2/15/07

definitions; 19 CSR 60-50.300; 9/15/06, 2/15/07

letter of intent

package; 19 CSR 60-50.410; 9/15/06, 2/15/07

process; 19 CSR 60-50.400; 9/15/06, 2/15/07

meeting procedures; 19 CSR 60-50.800; 9/15/06, 2/15/07

post-decision activity; 19 CSR 60-50.700; 9/15/06, 2/15/07

## CHILDREN'S DIVISION

tax credit

pregnancy resource center; 13 CSR 35-100.020; 10/16/06, 2/15/07

residential treatment agency; 13 CSR 35-100.010; 10/16/06, 2/15/07

## CLEAN WATER COMMISSION

impaired waters list; 10 CSR 20-7.050; 11/15/06, 12/15/06

grants for

sewer districts; 10 CSR 20-4.030; 3/1/07, 4/16/07

water districts; 10 CSR 60-13.010; 3/1/07

state forty percent construction grant program; 10 CSR 20-4.023; 3/1/07, 4/16/07

storm water grant; 10 CSR 20-4.061; 3/1/07, 4/16/07

## CONSERVATION COMMISSION

camping; 3 CSR 10-11.140; 11/1/06, 1/16/07, 5/1/07

confined wildlife

provisions, general; 3 CSR 10-9.105; 5/1/07

standards; 3 CSR 10-9.220; 11/1/06, 5/1/07

dog training area; 3 CSR 10-9.625; 11/1/06, 2/1/07, 5/1/07

privileges; 3 CSR 10-9.628; 11/1/06, 2/1/07, 5/1/07

field trials; 3 CSR 10-11.125; 11/1/06, 2/1/07, 5/1/07

fishing methods; 3 CSR 10-6.410; 6/1/07

hand fishing, catfish, experimental; 3 CSR 10-6.511; 6/1/07

licensed hunting preserve; 3 CSR 10-9.565; 5/1/07

owner may protect property; 3 CSR 10-4.130; 5/1/07

permits

dog training area; 3 CSR 10-9.627; 5/1/07

field trial; 3 CSR 10-9.625; 5/1/07

licensed hunting preserve

hunting; 3 CSR 10-5.460; 3 CSR 10-9.560; 5/1/07

privileges; 3 CSR 10-9.565; 11/1/06, 2/1/07, 5/1/07

three day hunting license; 3 CSR 10-5.465; 5/1/07

trout; 3 CSR 10-6.535; 11/1/06, 1/16/07, 2/1/07, 4/16/07

turkeys; 3 CSR 10-7.455; 2/1/07

wildlife breeders, Class I and II

privileges; 3 CSR 10-9.353; 5/1/07

## CRIME REPORTING PROGRAM, MISSOURI UNIFORM

quality assurance review; 11 CSR 30-11.010; 1/16/07

## DENTAL BOARD

fees; 20 CSR 2110-2.170; 1/2/07

reciprocity/waiver of examination; 1/2/07

**DIETITIANS**

application for licensure/grandfather clause/reciprocity;  
20 CSR 2115-2.010; 1/2/07, 4/16/07  
duplicate license; 20 CSR 2115-2.050; 1/2/07, 4/16/07

**ELEMENTARY AND SECONDARY EDUCATION**

A+ schools program; 5 CSR 50-350.040; 1/2/07, 5/1/07  
allowable costs for state transportation aid; 5 CSR 30-261.040;  
1/2/07  
assessments, required; 5 CSR 80-800.380; 5/15/07  
certificate of license to teach  
application; 5 CSR 80-800.200; 5/15/07  
administrators; 5 CSR 80-800.220; 5/15/07  
adult education, literacy; 5 CSR 80-800.280; 5/15/07  
classifications; 5 CSR 80-800.360; 5/15/07  
content areas; 5 CSR 80-800.350; 5/15/07  
student services; 5 CSR 80-800.230; 5/15/07  
vocational-technical; 5 CSR 80-800.270; 5/15/07  
temporary authorization; 5 CSR 80-800.260; 5/15/07  
definitions; 5 CSR 30-660.065; 11/15/06, 4/2/07  
family literacy program; 5 CSR 60-100.050; 10/16/06, 4/16/07  
fee payment programs; 5 CSR 50-200.050; 10/16/06  
gifted children, program; 5 CSR 50-200.010; 11/1/06, 4/2/07  
individuals with disabilities act; 5 CSR 70-742.141; 2/15/07  
provisions, general; 5 CSR 30-345.010; 9/15/06, 2/15/07  
school building revolving fund; 5 CSR 30-640.010; 11/15/06,  
4/2/07  
virtual instruction program; 5 CSR 50-500.010; 3/1/07

**ELEVATOR SAFETY**

accessibility; 11 CSR 40-5.070; 1/2/07, 4/16/07  
alterations; 11 CSR 40-5.080; 1/2/07, 4/16/07  
fees and penalties; 11 CSR 40-5.110; 1/2/07, 4/16/07, 6/1/07  
inspection and testing; 11 CSR 40-5.090; 1/2/07, 4/16/07  
minimum safety codes for existing equipment; 11 CSR 40-5.065;  
1/2/07, 4/16/07  
new installations; 11 CSR 40-5.050; 1/2/07, 4/16/07

**EMBALMERS AND FUNERAL DIRECTORS, STATE BOARD**

definitions; 20 CSR 2120-1.040; 3/1/07  
fees; 20 CSR 2120-2.100; 3/1/07  
funeral establishments containing a crematory; 20 CSR 2120-2.071;  
3/1/07  
licensure by reciprocity; 20 CSR 2120-2.040; 3/1/07  
organization; 20 CSR 2120-1.010; 3/1/07  
preparation rooms; 20 CSR 2120-2.090; 3/1/07  
registration, apprenticeship; 20 CSR 2120-2.010; 3/1/07  
rules, miscellaneous; 20 CSR 2120-2.050; 3/1/07

**ENERGY, DIVISION OF**

definitions, provisions; 10 CSR 140-6.010; 5/1/07

**EXECUTIVE ORDERS**

Advisory Council on Physical Fitness and Health; 07-10; 4/2/07  
agencies that administer or sponsor a state or federal health care  
program are to develop a plan to improve their health care  
information technology; 07-12; 4/16/07

Breath Alcohol Program transfers from the Department of Health  
and Senior Services to the Department of Transportation;  
07-05; 3/1/07

contractors doing business with the state; 07-13; 4/16/07

Crime Victims Compensation Fund transfers from the Department  
of Labor and Industrial Relations to the Department of Public  
Safety; 07-07; 3/1/07

governor's staff, supervisory authority, departments;  
06-42, 12/1/06; 07-11, 4/2/07

holiday schedule, closes state offices on  
Friday, November 24, 2006; 06-43; 12/1/06

adds the Department of Elementary and Secondary  
Education to full membership representation;  
06-44; 12/1/06

Medicaid beneficiary employer report to be filed quarterly to be  
known as the Missouri Health Care Responsibility Report  
starting in 2008; 06-45; 1/2/07

Mental Health to follow the recommendations of the Mental Health  
Task Force to make certain no instance of abuse or  
neglect in public or private mental health facilities is  
overlooked; 06-49; 2/1/07

Mental Health Transformation Working Group membership;  
07-15; 6/1/07

severe weather

authorizes the director of the Department of Transportation to  
temporarily suspend certain commercial motor vehicle  
regulations during regional or local emergency  
declarations; 07-01; 2/15/07

severe weather January 12, 2007

activates the state militia in response to the aftermath of severe  
storms; 07-03; 2/15/07

extends the declaration of emergency contained in Executive  
Order 07-02 and the terms of Executive Order 07-04  
through May 15, 2007; 07-08; 3/15/07

declares a State of Emergency and directs the Missouri State  
Emergency Operations Plan to be activated; 7-02; 2/15/07

gives the director of the Department of Natural Resources  
the authority to suspend regulations in the aftermath of  
severe weather; 07-04; 2/15/07

severe weather November 29, 2006

Department of Natural Resources to waive rules during  
recovery period; 06-48; 1/16/07

severe weather November 30, 2006

Adjutant General to call organized militia into active service;  
06-47; 1/16/07

Emergency Operations Plan to be activated; 06-46; 1/16/07  
extends the declaration of emergency through March 1, 2007,  
for clean up efforts in the aftermath of severe storms on  
November 30 and December 1, 2006; 06-50; 2/1/07

state-owned vehicle fleet; 07-09; 4/2/07

surplus lines taxes transfers from the Department of Insurance,  
Financial Institutions and Professional Registration to  
the Department of Revenue; 07-06; 3/1/07

volunteers, Missouri Mentor Initiative; 07-14; 5/15/07

**FAMILY CARE SAFETY REGISTRY**

child-care, elder-care worker registration; 19 CSR 30-80.030;  
3/1/07

**FAMILY SUPPORT DIVISION**

basis of payment, child care; 13 CSR 40-32.010; 5/1/07  
tax credit

domestic violence center; 13 CSR 40-79.010; 10/16/06,  
2/15/07

**GAMING COMMISSION, MISSOURI**

applications; 11 CSR 45-12.040; 10/2/06, 2/1/07  
blackjack

minimum standards, twenty-one; 11 CSR 45-5.051; 4/2/07

cards, specifications; 11 CSR 45-5.183; 4/2/07

chips, tokens, coupons; 11 CSR 45-5.180; 10/2/06, 2/1/07

definitions; 11 CSR 45-1.090; 4/2/07

electronic gaming devices

standards, minimum; 11 CSR 45-5.190; 10/2/06, 2/1/07

excursion liquor license defined; 11 CSR 45-12.020; 10/2/06,  
2/1/07

emergency order suspending license privileges—expedited hearing;  
11 CSR 45-13.055; 1/2/07, 5/1/07

hours of operation; 11 CSR 45-12.080; 12/1/06, 4/2/07

liquor control, rules of; 11 CSR 45-12.090; 10/2/06, 2/1/07

minimum internal control standards; 11 CSR 45-9.030; 4/2/07

occupational licenses; 11 CSR 45-4.260; 5/1/06, 10/2/06

receipt, storage, inspection, removal from use

cards; 11 CSR 45-5.184; 4/2/07

dice; 11 CSR 45-5.265; 4/2/07

poker cards; 11 CSR 45-5.185; 4/2/07

refund, claim for refund; 11 CSR 45-11.110; 10/2/06, 2/1/07

return, gaming tax; 11 CSR 45-11.040; 10/2/06, 2/1/07

slot machines, progressive; 11 CSR 45-5.200; 10/2/06, 2/1/07  
storage and retrieval; 11 CSR 45-7.080; 9/1/06, 2/1/07  
surveillance  
    equipment; 11 CSR 45-7.030; 9/1/06, 2/1/07  
    required; 11 CSR 45-7.040; 9/1/06, 2/1/07  
    system plans; 11 CSR 45-7.120; 9/1/06, 2/1/07  
timeliness, extensions for filing a return; 11 CSR 45-11.090;  
    10/2/06, 2/1/07  
tips, gratuities; 11 CSR 45-8.130; 4/2/07

#### **GEOLOGY AND LAND SURVEY, DIVISION OF**

disciplinary actions, appeals procedure; 10 CSR 23-1.075;  
    10/16/06, 2/15/07  
sensitive areas; 10 CSR 23-3.100; 2/15/07

#### **HAZARDOUS WASTE MANAGEMENT COMMISSION**

appeals and requests for hearings; 10 CSR 25-2.020; 4/16/07

#### **HEALTH CARE PLAN, MISSOURI CONSOLIDATED**

definitions; 22 CSR 10-2.010; 2/1/07; 5/15/07  
HMO and POS limitations; 22 CSR 10-2.067; 2/1/07; 5/15/07  
pharmacy benefit summary; 22 CSR 10-2.090; 2/1/07; 5/15/07  
PPO and co-pay plan limitations; 22 CSR 10-2.060; 2/1/07;  
    5/15/07

#### **HEARING INSTRUMENT SPECIALISTS, BOARD OF EXAMINERS FOR**

fees; 20 CSR 2165-1.020; 11/15/06, 3/1/07

#### **HEAT PUMP CONSTRUCTION CODE**

closed-loop heat pump wells; 10 CSR 23-5.050; 2/15/07

#### **HIGHER EDUCATION**

academic scholarship program; 6 CSR 10-2.080; 2/15/07, 6/1/07  
competitiveness scholarship; 6 CSR 10-2.120; 2/15/07, 6/1/07  
student eligibility, application procedures; 6 CSR 10-2.020;  
    2/15/07, 6/1/07

#### **HIGHWAY RECIPROCITY COMMISSION**

apportion registration; 12 CSR 20-3.010 (*changed to*  
    7 CSR 10-25.030); 3/15/07

#### **HIGHWAYS AND TRANSPORTATION COMMISSION**

contractor performance rating  
    definitions; 7 CSR 10-10.010; 1/16/07  
    determination of nonresponsibility; 7 CSR 10-10.080; 1/16/07  
    project evaluation; 7 CSR 10-10.040; 1/16/07  
    procedure, annual rating of contractors; 7 CSR 10-10.070;  
        1/16/07  
    procedure, schedule for completing the project evaluation;  
        7 CSR 10-10.050; 1/16/07  
    rating categories for contractors; 7 CSR 10-10.030; 1/16/07  
    reservation of rights to recommend or declare persons or  
        contractors nonresponsible; 7 CSR 10-10.090; 1/16/07  
    standard deviation rating system; 7 CSR 10-10.060; 1/16/07  
notice given to consumers by carriers; 7 CSR 10-25.040; 6/15/06  
relocation assistance program; 7 CSR 10-4.020; 4/16/07

#### **HOSPITALS**

anesthesiologist assistants in hospitals; 19 CSR 30-20.001; 2/15/07

#### **INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION, DEPARTMENT OF**

business names, registration; 20 CSR 700-6.350; 6/15/06  
HMO access plans; 20 CSR 400-7.095; 1/16/07, 5/1/07  
malpractice, professional  
    determination of  
        discriminatory rates; 20 CSR 500-5.027; 3/1/07  
        excessive rates; 20 CSR 500-5.026; 3/1/07  
        inadequate rates; 20 CSR 500-5.025; 3/1/07  
    insurance rate filings; 20 CSR 500-5.020; 3/1/07  
medical malpractice award; 20 CSR; 3/3/03, 3/15/04, 3/1/05,  
    4/17/06, 3/15/07

sovereign immunity limits; 20 CSR; 1/3/05, 12/15/05; 12/1/06  
utilization review; 20 CSR 700-4.100; 5/1/07

#### **INTERIOR DESIGN COUNCIL**

application; 20 CSR 2193-2.010; 1/16/07, 5/15/07  
definitions; 20 CSR 2193-1.010; 1/16/07, 5/15/07  
organization; 20 CSR 2193-1.020; 1/16/07, 5/15/07  
original registration, form, content; 20 CSR 2193-3.010; 1/16/07,  
    5/15/07  
reciprocity, waiver of examination; 20 CSR 2193-2.040; 1/16/07,  
    5/15/07  
renewal; 20 CSR 2193-3.020; 1/16/07, 5/15/07  
requirements; 20 CSR 2193-5.010; 1/16/07, 5/15/07

#### **INVESTMENT OF NONSTATE FUNDS**

collateral requirements; 12 CSR 10-43.030; 10/16/06, 3/1/07  
group, investment; 12 CSR 10-43.010; 10/16/06, 3/1/07  
investment instruments of nonstate funds; 12 CSR 10-43.020;  
    10/16/06, 3/1/07

#### **LOTTERY, STATE**

claim period; 12 CSR 40-50.050, 12 CSR 40-80.080; 11/15/06,  
    3/15/07

#### **MARTIAL ARTS, MIXED**

attire, equipment; 20 CSR 2040-8.160; 5/15/07  
contestants; 20 CSR 2040-8.050; 5/15/07  
definitions; 20 CSR 2040-8.010; 5/15/07  
event permits; 20 CSR 2040-8.030; 5/15/07  
facility, equipment requirements; 20 CSR 2040-8.190; 5/15/07  
fouls; 20 CSR 2040-8.140; 5/15/07  
inspectors; 20 CSR 2040-8.060; 5/15/07  
judges; 20 CSR 2040-8.070; 5/15/07  
licensing; 20 CSR 2040-8.020; 5/15/07  
matchmakers; 20 CSR 2040-8.080; 5/15/07  
physicians; 20 CSR 2040-8.090; 5/15/07  
promoters; 20 CSR 2040-8.100; 5/15/07  
referees; 20 CSR 2040-8.110; 5/15/07  
rules for bouts/contests; 20 CSR 2040-8.180; 5/15/07  
seconds; 20 CSR 2040-8.120; 5/15/07  
tickets, taxes; 20 CSR 2040-8.040; 5/15/07  
timekeepers; 20 CSR 2040-8.130; 5/15/07  
weigh-ins; 20 CSR 2040-8.170; 5/15/07  
weight classes; 20 CSR 2040-8.150; 5/15/07

#### **MEDICAL SERVICES, DIVISION OF**

exception to medical care services limitations; 13 CSR 70-2.100;  
    11/1/06, 3/1/07  
list of excludable drugs  
    excluded from coverage; 13 CSR 70-20.032; 2/15/07, 6/1/07  
    prior authorization required; 13 CSR 70-20.031; 2/15/07,  
        6/1/07  
list of non-excludable drugs  
    prior authorization required; 13 CSR 70-20.034; 2/15/07,  
        6/1/07  
organization; 13 CSR 70-1.010; 5/15/06, 9/1/06  
reimbursement  
    HIV services; 13 CSR 70-10.080; 7/17/06, 10/2/06, 5/1/07  
    inpatient, outpatient hospital services; 13 CSR 70-15.010;  
        4/2/07  
    nonstate operated facilities for ICF/MR services;  
        13 CSR 70-10.030; 2/15/07, 6/1/07  
    nursing services; 13 CSR 70-10.015; 10/2/06, 5/1/07  
sanctions for false, fraudulent claims; 13 CSR 70-3.030; 12/15/06,  
    4/2/07  
Title XIX, provider enrollment; 13 CSR 70-3.020; 5/1/07  
claims, false or fraudulent; 13 CSR 70-3.030; 5/1/07

#### **MENTAL HEALTH, DEPARTMENT OF**

psychiatric and substance abuse programs  
    definitions; 9 CSR 10-7.140; 10/2/06, 3/1/07



**MILK BOARD, STATE**

animal health; 2 CSR 80-2.080; 3/15/07  
definitions; 2 CSR 80-2.010; 3/15/07  
enforcement; 2 CSR 80-2.151; 3/15/07  
future dairy farms, milk plants; 2 CSR 80-2.121; 3/15/07  
inspection; 2 CSR 80-2.050; 3/15/07  
labeling; 2 CSR 80-2.040; 3/15/07  
milk, milk products  
    beyond the limits of routine inspection; 2 CSR 80-2.110; 3/15/07  
    examination of milk, milk products; 2 CSR 80-2.060; 3/15/07  
    sale of adulterated, misbranded milk, milk products; 2 CSR 80-2.020; 3/15/07  
    standards for milk, milk products; 2 CSR 80-2.070; 3/15/07  
    which may be sold; 2 CSR 80-2.091; 3/15/07  
penalty; 2 CSR 80-2.161; 3/15/07  
permits; 2 CSR 80-2.030; 3/15/07  
personnel health; 2 CSR 80-2.130; 3/15/07  
procedure when infection is suspected; 2 CSR 80-2.141; 3/15/07  
separability clause; 2 CSR 80-2.170; 3/15/07  
transferring, delivery containers, cooling; 2 CSR 80-2.101; 3/15/07

**MOTOR VEHICLE**

notice of lien; 12 CSR 10-23.446; 11/15/06, 3/1/07  
replacement vehicle identification; 12 CSR 10-23.255; 11/15/06, 3/1/07  
watercraft identification plates; 12 CSR 10-23.270; 11/15/06, 3/1/07

**NURSING, STATE BOARD OF**

advanced practice nurse; 4 CSR 200-4.100; (*changed to 20 CSR 2200-4.100*); 9/15/06, 2/1/07  
collaborative practice;  
    4 CSR 200-4.200 (*changed to 20 CSR 2200-4.200*); 9/15/06, 2/15/07  
    4 CSR 150-5.100 (*changed to 20 CSR 2150-5.100*); 9/15/06, 2/15/07  
fees; 20 CSR 220-4.010; 4/2/07  
practical nursing  
    approval; 20 CSR 2200-3.010; 6/1/07  
    administrator, faculty; 20 CSR 2200-3.060; 6/1/07  
    campuses, multiple; 20 CSR 2200-3.035; 6/1/07  
    definitions; 20 CSR 2200-3.001; 6/1/07  
    examination, licensure, performance; 20 CSR 2200-3.180; 6/1/07  
    evaluations; 20 CSR 2200-3.130; 6/1/07  
    facilities, physical; 20 CSR 2200-3.070; 6/1/07  
    preceptors; 20 CSR 2200-3.085; 6/1/07  
    program  
        changes, board approval, notification; 20 CSR 2200-3.040; 6/1/07  
        discontinuing, reopening; 20 CSR 2200-3.020; 6/1/07  
        educational; 20 CSR 2200-3.100; 6/1/07  
        organization, administration; 20 CSR 2200-3.050; 6/1/07  
        publications; 20 CSR 2200-3.120; 6/1/07  
        records; 20 CSR 2200-3.110; 6/1/07  
        sites, clinical; 20 CSR 2200-3.080; 6/1/07  
        sponsorship, change of; 20 CSR 2200-3.030; 6/1/07  
        students; 20 CSR 2200-3.090; 6/1/07  
professional nursing  
    approval; 20 CSR 2200-2.010; 6/1/07  
    administrator, faculty; 20 CSR 2200-2.060; 6/1/07  
    campuses, multiple; 20 CSR 2200-2.035; 6/1/07  
    definitions; 20 CSR 2200-2.001; 6/1/07  
    examination, licensure, performance; 20 CSR 2200-2.180; 6/1/07  
    evaluations; 20 CSR 2200-2.130; 6/1/07  
    facilities, physical; 20 CSR 2200-2.070; 6/1/07  
    fees; 20 CSR 220-4.010; 4/2/07  
    preceptors; 20 CSR 2200-2.085; 6/1/07  
    program  
        changes, board approval, notification; 20 CSR 2200-2.040; 6/1/07

discontinuing, reopening; 20 CSR 2200-2.020; 6/1/07  
educational; 20 CSR 2200-2.100; 6/1/07  
organization, administration; 20 CSR 2200-2.050; 6/1/07  
publications; 20 CSR 2200-2.120; 6/1/07  
records; 20 CSR 2200-2.110; 6/1/07  
sites, clinical; 20 CSR 2200-2.080; 6/1/07  
sponsorship, change of; 20 CSR 2200-2.030; 6/1/07  
students; 20 CSR 2200-2.090; 6/1/07

**OIL AND GAS COUNCIL**

application for permit to drill, deepen, plug-back or inject; 10 CSR 50-2.030; 10/16/06, 3/15/07

**OPTOMETRY, STATE BOARD OF**

fees; 20 CSR 2210-2.070; 1/2/07, 4/16/07  
licensure by  
    examination; 20 CSR 2210-2.020; 1/2/07, 4/16/07  
    reciprocity; 20 CSR 2210-2.011; 1/2/07, 4/16/07  
organization; 20 CSR 2210-1.010; 1/2/07, 4/16/07

**PERSONNEL ADVISORY BOARD**

appeals; 1 CSR 20-4.010; 11/15/06, 3/15/07

**PETROLEUM STORAGE TANKS**

definitions; 10 CSR 100-2.010; 1/2/07, 6/1/07  
claims for cleanup costs; 10 CSR 100-5.010; 1/2/07, 6/1/07  
participation requirements  
    aboveground 10 CSR 100-4.020; 1/2/07, 6/1/07  
    underground; 10 CSR 100-4.010; 1/2/07

**PHARMACY, STATE BOARD OF**

automated dispensing, storage systems; 4 CSR 220-2.900 (*changed to 20 CSR 2220-2.900*); 10/2/06, 3/1/07  
drug distributor  
    definitions, standards; 4 CSR 220-5.030 (*changed to 20 CSR 2220-5.030*); 10/2/06, 3/1/07  
    licensing requirements; 4 CSR 220-5.020 (*changed to 20 CSR 2220-5.020*); 10/2/06, 3/1/07  
fingerprint requirements; 4 CSR 220-2.450 (*changed to 20 CSR 2220-2.450*); 10/2/06, 3/1/07  
nonresident pharmacies; 4 CSR 220-2.025 (*changed to 20 CSR 2220-2.025*); 10/2/06, 3/1/07  
nuclear pharmacy; 20 CSR 2220-2.500; 1/2/07  
patient counseling; 4 CSR 220-2.190 (*changed to 20 CSR 2220-2.190*); 10/2/06, 3/1/07  
permits; 4 CSR 220-2.020 (*changed to 20 CSR 2220-2.020*); 10/2/06, 3/1/07  
standards of operation; 4 CSR 220-2.010 (*changed to 20 CSR 2220-2.010*); 10/2/06, 3/1/07

**PHYSICAL THERAPISTS AND THERAPIST ASSISTANTS**

applicants for licensure; 4 CSR 150-3.010 (*changed to 20 CSR 2150-3.010*); 9/15/06, 2/1/07  
continuing education, acceptable; 4 CSR 150-3.203 (*changed to 20 CSR 2150-3.203*); 9/15/06, 2/1/07

**PHYSICIAN ASSISTANTS**

supervision agreements; 4 CSR 150-7.135 (*changed to 20 CSR 2150-7.135*); 9/15/06, 2/15/07

**PHYSICIANS AND SURGEONS**

continuing medical education; 4 CSR 150-2.125 (*changed to 20 CSR 2150-2.125*); 9/15/06, 2/1/07

**PSYCHOLOGISTS, STATE COMMITTEE OF**

definitions; 20 CSR 2235-1.015; 1/16/07, 5/1/07  
experience, supervised; 20 CSR 2235-2.040; 5/1/07  
renewal of license; 20 CSR 2235-1.050; 1/16/07, 5/1/07  
replacement of certificates; 20 CSR 2235-1.063; 1/16/07, 5/1/07

**PUBLIC SERVICE COMMISSION**

number pooling and number conservation efforts  
    definitions; 4 CSR 240-37.020; 11/1/06, 2/15/07  
    provisions, general; 4 CSR 240-37.010; 11/1/06, 2/15/07



reclamation; 4 CSR 240-37.050; 11/1/06, 2/15/07  
reporting requirements; 4 CSR 240-37.060; 11/1/06, 2/15/07  
requests for review; 4 CSR 240-37.040; 11/1/06, 2/15/07  
thousand-block number pooling; 4 CSR 240-37.030; 11/1/06, 2/15/07

#### **RAIL FIXED GUIDEWAY SYSTEMS**

accidents and hazards, compliance with FTA; 4 CSR 265-9.150  
(*changed to 7 CSR 265-9.150*); 1/2/07, 5/15/07  
dedicated telephone; 4 CSR 265-9.140 (*changed to 7 CSR 265-9.140*); 1/2/07, 5/15/07  
definitions; 4 CSR 265-9.010 (*changed to 7 CSR 265-9.010*); 1/2/07, 5/15/07  
drug and alcohol testing; 4 CSR 265-9.060 (*changed to 7 CSR 265-9.060*); 1/2/07, 5/15/07  
safety and security program; 4 CSR 265-9.020 (*changed to 7 CSR 265-9.020*); 1/2/07, 5/15/07  
safety reviews in accordance with FTA standards;  
4 CSR 265-9.040 (*changed to 7 CSR 265-9.040*); 1/2/07, 5/15/07  
signs; 4 CSR 265-9.050 (*changed to 7 CSR 265-9.050*); 1/2/07, 5/15/07  
hours of service; 4 CSR 265-9.070 (*changed to 7 CSR 265-9.070*); 1/2/07, 5/15/07  
rail-highway grade crossing  
construction and maintenance; 4 CSR 265-9.100 (*changed to 7 CSR 265-9.100*); 1/2/07, 5/15/07  
visual obstructions; 4 CSR 265-9.130 (*changed to 7 CSR 265-9.130*); 1/2/07, 5/15/07  
warning devices; 4 CSR 265-9.110 (*changed to 7 CSR 265-9.110*); 1/2/07, 5/15/07  
walkways; 4 CSR 265-9.090 (*changed to 7 CSR 265-9.090*); 1/2/07, 5/15/07

#### **REAL ESTATE APPRAISERS**

application, certificate and license fees; 20 CSR 2245-5.020; 1/2/07, 6/1/07  
applications for certification and licensure; 20 CSR 2245-3.010; 1/2/07, 6/1/07  
appraiser's assignment log; 20 CSR 2245-2.050; 1/2/07, 6/1/07  
appraiser's seal; 20 CSR 2245-2.040; 1/2/07, 6/1/07  
certification and licensure examinations; 20 CSR 2245-3.020; 1/2/07, 6/1/07  
commission action; 20 CSR 2245-2.020; 1/2/07, 6/1/07  
commission compensation; 20 CSR 2245-1.020; 1/2/07, 6/1/07  
continuing education  
course approval; 20 CSR 2245-8.020; 1/2/07, 6/1/07  
instructor approval; 20 CSR 2245-8.030; 1/2/07, 6/1/07  
investigation and review; 20 CSR 2245-8.050; 1/2/07, 6/1/07  
records; 20 CSR 2245-8.040; 1/2/07, 6/1/07  
requirements; 20 CSR 2245-8.010; 1/2/07, 6/1/07  
case study courses; 20 CSR 2245-6.040; 1/2/07, 6/1/07  
correspondence courses; 20 CSR 2245-6.020; 1/2/07, 6/1/07  
distance education; 20 CSR 2245-6.030; 1/2/07, 6/1/07  
examination, education requirements; 20 CSR 2245-6.015; 1/2/07, 6/1/07  
general organization; 20 CSR 2245-1.010; 1/2/07, 6/1/07  
individual license, business name, pocket card;  
20 CSR 2245-4.040; 1/2/07, 6/1/07  
nonresident appraiser  
certification, licensure, reciprocity; 20 CSR 2245-4.050; 1/2/07, 6/1/07  
temporary certificate or license; 20 CSR 2245-4.060; 1/2/07, 6/1/07  
payment; 20 CSR 2245-5.010; 1/2/07, 6/1/07  
prelicense courses  
application for approval; 20 CSR 2245-7.020; 1/2/07, 6/1/07  
approval and renewal for; 20 CSR 2245-7.040; 1/2/07, 6/1/07  
correspondence courses; 20 CSR 2245-7.030; 1/2/07, 6/1/07  
investigation and review; 20 CSR 2245-7.060; 1/2/07, 6/1/07  
records; 20 CSR 2245-7.050; 1/2/07, 6/1/07  
standards for approval of; 20 CSR 2245-7.010; 1/2/07, 6/1/07  
trainee real estate appraiser registration; 20 CSR 2245-3.005; 1/2/07, 6/1/07

#### **RESIDENTIAL CARE FACILITIES AND ASSISTED LIVING FACILITIES**

administrative, personnel, resident care requirements  
assisted living facilities; 19 CSR 30-86.047; 10/2/06, 3/1/07  
new and existing RCF I and IIs; 19 CSR 30-86.042; 10/2/06, 3/1/07  
RCF IIs on August 27, 2006 that will comply with  
RCF II standards; 19 CSR 30-86.043; 10/2/06, 3/1/07  
construction standards; 19 CSR 30-86.012; 10/2/06, 3/1/07  
definition of terms; 19 CSR 30-83.010; 10/2/06, 3/1/07  
dietary requirements; 19 CSR 30-86.052; 10/2/06, 3/1/07  
fire safety standards; 19 CSR 30-86.022; 10/2/06, 3/1/07  
insulin administration training program; 19 CSR 30-84.040; 10/2/06, 3/1/07  
level I medication aide; 19 CSR 30-84.030; 10/2/06, 3/1/07  
licensure requirements; 19 CSR 30-82.010; 10/2/06, 3/1/07  
physical plant requirements; 19 CSR 30-86.032; 10/2/06, 3/1/07  
resident's rights; 19 CSR 30-88.010; 10/2/06, 3/1/07  
sanitation  
food service; 19 CSR 30-87.030; 10/2/06, 3/1/07  
new and existing RCFs; 19 CSR 30-87.020; 10/2/06, 3/1/07  
services to residents with Alzheimer's or dementia;  
19 CSR 30-86.045; 10/2/06, 3/1/07

#### **RETIREMENT SYSTEMS, COUNTY EMPLOYEES**

distribution of accounts  
defined contribution; 16 CSR 50-10.050; 9/15/06, 2/1/07

#### **RETIREMENT SYSTEMS, PUBLIC SCHOOLS**

service retirement; 16 CSR 10-5.010; 12/1/06, 3/15/07;  
16 CSR 10-6.060; 12/1/06, 3/15/07

#### **REVENUE, DEPARTMENT OF**

report, local management tax; 12 CSR 10-42.110; 12/1/06

#### **SECURITIES, DIVISION OF**

exclusion from definition of broker-dealer, agents, investment  
advisors, and representatives; 15 CSR 30-51.180; 3/1/07

#### **SMALL BUSINESS REGULATORY FAIRNESS BOARD**

impact statement requirements; 4 CSR 262-1.010; 1/2/07, 5/15/07  
post public hearing statement; 4 CSR 262-1.0120; 1/2/07, 5/15/07

#### **SOCIAL WORKERS, STATE COMMITTEE FOR**

application for licensure  
clinical social worker; 20 CSR 2263-2.050; 1/16/07, 5/15/07  
licensed baccalaureate social worker; 20 CSR 2263-2.052; 1/16/07, 5/15/07  
licensure by reciprocity  
licensed baccalaureate social worker;  
20 CSR 2263-2.062; 1/16/07, 5/15/07  
licensed clinical social worker; 20 CSR 2263-2.060; 1/16/07, 5/15/07  
registration of supervised social work experience;  
20 CSR 2263-2.032; 1/16/07, 5/15/07

#### **SOLID WASTE COMMISSION**

fund, management  
district grants; 10 CSR 80-9.050; 2/15/07  
planning/organizational grants; 10 CSR 80-9.010; 2/15/07  
waste tires  
clean up contracts; 10 CSR 80-9.035; 2/1/07  
collection centers; 10 CSR 80-8.020; 2/1/07  
end user facility registrations; 10 CSR 80-8.060; 2/1/07  
grants; 10 CSR 80-9.030; 2/1/07  
hauler permits; 10 CSR 80-8.030; 2/1/07  
processing facility permits; 10 CSR 80-8.050; 2/1/07  
site permits; 10 CSR 80-8.040; 2/1/07

#### **SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS**

continuing education requirements; 20 CSR 2150-4.052; 11/15/06, 4/16/07

**TAX, CREDITS**

children in crisis; 12 CSR 10-400.210; 12/1/06, 4/2/07  
homestead preservation credit  
    procedures; 12 CSR 10-405.105; 12/1/06, 4/2/07  
    qualifications, amount of tax; 12 CSR 10-405.205; 12/1/06,  
        4/2/07  
special needs adoption; 12 CSR 10-400.200; 12/1/06, 4/2/07

**TAX, INCOME**

annual adjusted rate of interest; 12 CSR 10-41.010; 12/1/06, 4/2/07

**TAX, SALES/USE**

local tax management report; 12 CSR 10-42.110; 12/1/06, 4/2/07

**TRAUMA CENTERS**

definitions; 19 CSR 30-40.410; 2/15/07  
standards; 19 CSR 30-40.430; 2/15/07

**TRAVEL REGULATIONS, STATE**

vehicular travel; 1 CSR 10-11.030; 6/15/06

**UNEMPLOYMENT BENEFITS**

direct deposit; 8 CSR 10-3.130; 3/15/07

**VETERINARY MEDICAL BOARD, MISSOURI**

continuing education; 20 CSR 2270-4.042; 11/15/06, 3/1/07  
fees; 20 CSR 2270-1.021; 11/15/06, 3/1/07

**WASTE TIRES**

clean up contracts; 10 CSR 80-9.035; 2/1/07  
collection centers; 10 CSR 80-8.020; 2/1/07  
end user facility registrations; 10 CSR 80-8.060; 2/1/07  
grants; 10 CSR 80-9.030; 2/1/07  
hauler permits; 10 CSR 80-8.030; 2/1/07  
processing facility permits; 10 CSR 80-8.050; 2/1/07  
site permits; 10 CSR 80-8.040; 2/1/07

**WATER SUPPLY DISTRICTS**

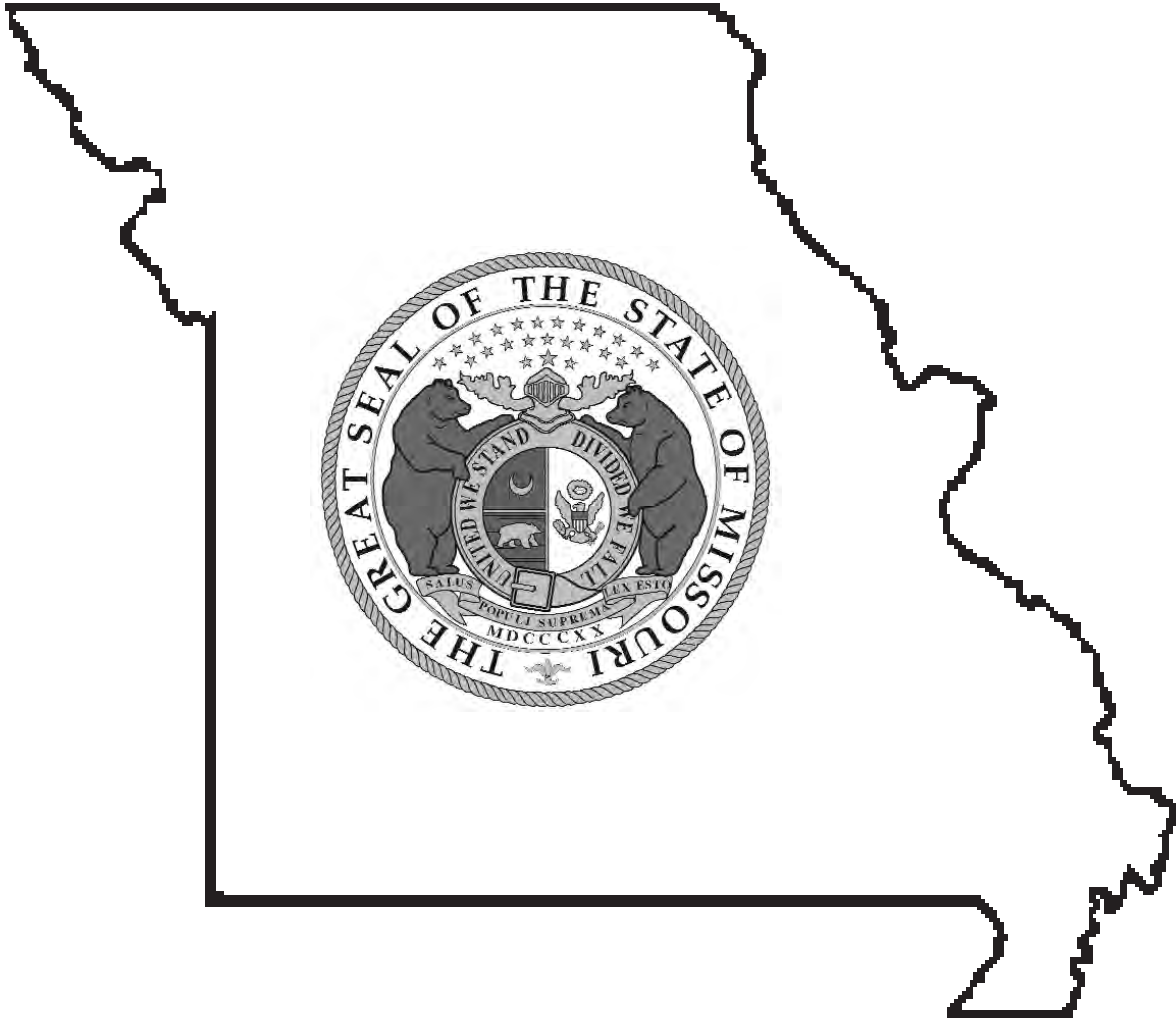
grants; 10 CSR 60-13.010; 4/16/07

**WELL CONSTRUCTION CODE**

sensitive areas; 10 CSR 23-3.100; 2/15/07

# RULEMAKING 1-2-3

## DRAFTING AND STYLE MANUAL



ROBIN CARNAHAN  
SECRETARY OF STATE

The Administrative Rules Division has copies of the Rulemaking Manual available for state agencies to assist in preparing all types of rulemakings.

For information about rule drafting classes call (573) 751-4015.

# Keep Your Copies of the *Missouri Register* Organized in Easy-To-Use Binders



ROBIN CARNAHAN  
SECRETARY OF STATE

MISSOURI  
REGISTER

**\$7.50** each

Requires two binders per volume.

## ORDER FORM

☐ Enclosed is my check for \$ \_\_\_\_\_ for \_\_\_\_\_ *Missouri Register* **Binders**.  
(\$7.50 for each binder) (No. of binders)

Make checks payable to Secretary of State.

Mail to: ROBIN CARNAHAN  
SECRETARY OF STATE  
ADMINISTRATIVE RULES DIVISION  
PO BOX 1767  
JEFFERSON CITY, MO 65102

\_\_\_\_\_  
Name or Firm (Please Type or Print)

\_\_\_\_\_  
Attn:

\_\_\_\_\_  
Send by UPS or Street Address

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code



## *Rulemaking 1-2-3 Drafting and Style Manual*

The updated rule manual is now available on the Secretary of State's website at <http://www.sos.mo.gov/adrules/manual/manual.asp>

Some new features include: frequently asked questions and answers, revised fiscal note forms and a revised transmittal sheet.

If you haven't yet ordered copies of the manual for your agency, do so now by emailing [rules@sos.mo.gov](mailto:rules@sos.mo.gov)

**Office of the Secretary of State**

**ROBIN CARNAHAN**

6/1/07

**ROBIN CARNAHAN**

SECRETARY OF STATE

PO Box 1767

JEFFERSON CITY, MO 65102

Periodical  
Postage Paid at  
Jefferson City,  
MO